App. F. IX-4

1930. (Law)

File No. 50-30

Serial Nos. 1-9

Previous References
Law 123-28-1-2
Mus 367-26-1-4

Later References
~~Law~~ 102-33(1-4)
M. 102-33-7-8

244

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Nil.

Part B for March 34

SUBJECT.

O.S. 2 of 30-31 on the file of the Dist. Judge Mysore (S. Narasinga Rao Vs Chick Seeg & three others)

M. Abdul Aziz
19.3.34

Serial No.	
1	Summons in mis 15 of 29-30 dt ct mysore, application to sue in forma pauperis. Notice is issued to the Chief Secy who is one of the opponents to appear by himself or by pleader on 13th Sept'29 in case he wishes to offer any evidence to disprove the pauperism of the applicant. Under the C.P.Code, notice in such cases is given to the "Dist Govt" who makes a report after enquiry also. Perhaps no further action is necessary until the Summons in the Suit may be awaited Mrp 31.8.29 L-R. 31/8 JPR 31/8/29 Dy. 29 Law 31/8 Sec to G. MY 31/8

P.T.O.

WD 01684—GPB.

1731 2

G. R. S. APP F. III—1] 1930.

GENERAL AND REVENUE SECRETARIAT.

(Law)

NOTES.

File No. 50-30

FILE HEADING.

O. S. No. 2 of 1920-21 on the file of the Dist: Judge Mysore

(S. Narasinga Rao ... vs ... on. Secy to Govt & 3 others.)

FROM Dist. Judge, Mysore

No. 647	Dated 24-9-30	Received 26.9.30
Diary No. 1731	Enclos. Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwarding a ~~Copy~~ of the plaint and requesting to appear on 10th Oct 1930 ~~to~~ which the Case is posted for hearing.

NOTES AND ORDERS.

Date of Hg.
10.10.30

The Ppr. for Govt. pleader Mysore may be requested to appear on 10th Oct 1930, and take an adjournment to enable Govt to send instructions in the matter. ~~The Govt has also to be obtained from the Dy Comr Mysore~~ ~~to prepare a dft w. st~~ ~~The records may be~~ ~~Dft to the Ppr~~ ~~sent~~ The receipt of the Summons has to be acknowledged. Necessary drafts put up for approval

TSD 27/9

Legal R^r

MG 28/9

28/9

28/9

NOTES—First Sheet.

WD 01683—GPB—5,000—3-5-29

General and Revenue Secretariat

File No. 50 of 1930

Serial No.	
	To
2	The PPr Mysore No. P. 1959 d 30.9.30 requesting to appear for Govt in O.S. 2 of 1930-31 on the file of the Dist. Judge Mysore and to make an adjournment for about a month in calling the Govt to send the necessary instr. and to intimate the date of adjournment.
	To
	The Dist. Judge Mysore
	No. P. 1960 d 30.9.30 acknowledging the receipt of the letter and intimating that the PPr. Mysore has been instructed to appear in O.S. 2 of 1930-31
	File relating to the notice is put up.
	TSD 10/10
4	To instructions have to be issued to the PPr, Mysore for preparing a draft written statement - The marginally noted Secty. Files (herewith put up) have to be sent for the purpose -
Land 123-28 (1-2) Mus 367-26 (1-4)	Draft to PPr put up for approval
	Legal Adv 17.10.30
	Secy 2m/10

NOTE—Contn. sheet.

File No. of 193 | General and Revenue Secretariat

To

The Pper. Mysore

No. P. 2303 d 28-10-30 forwading a copy of the plaint in O.S 2 of 30-31 (S. Narasinga Rao vs Govt) with the sec reports file and requesting to prepare and file dft w.st. after obtaining necessary instructions from D.C. Mysore, and Myz. Comr

Sus A
TSD 29/10.

Letter No 2034/28-9 dated 7th Nov 1930 from the Muzrai Comr forwarding a copy of the letter from the D.C Mysore, and stating that the Pper having withdrawn his objection to allow S. Narasinga Rao to sue in forma pauperis, the Court was pleased to allow the petition and order that it may be regd as O.S.

3) Summons in O.S. 2/30-31 (S. Narasinga Rao vs Govt) had already been received, and duly returned. The Pper. Mysore has also been instructed to appear in the Case on behalf of Govt and prepare a dft w.st. after obtaining necessary instructions from D.C. Mysore & the Myz Comr vide para 5 supra. If approved the Myz Comr may be intimated as above

TSD 10/4 Copies of S(NO 5 may be sent to the Myz Comr & D.C. Mysore

DOF 10/4

Typist

Please type 3 copies of the matter flagged at A

TSD 11/4

Sus A

TSD 17/4 DOF 17/11

App. F. III—2

General and Revenue Secretariat | File No. | of 1930

Serial No.

Date of Hg
12.12.30

Letter no. 345 dt 10.12.30 from the PPr. Mysore forwarding for the signature of the Ch. Sec., the vakalatnama to be filed in O.S. 2 of 30-31 on the file of the Dist. Judge, Mysore on 12.12.30.

1) W. Statement in the above Case has already been returned after approval. Dft returning the vakalatnama is also put for favour of signature to the vakalat as Hy Ch. Sec.?

Hy 11/12

TSD 11/12

Signed by chief Secy

MR 11/12.

Issue the draft today

MR 11/12

To

The PPr. Mysore

No. P. 3352 dt 11.12.30 returning the vakalatnama duly signed by the Ch. Secy.

Sir B.

TSD 11/12

MR

Letter no 513 dated 30.3.31 from the PPr. Mysore forwarding a copy of the pts/s reqd. and issues framed in the Case for perusal

This in the file re: Music Mysore file

MR

TSD 2/4

2) The case is posted for evidence to 19.5.31 & the PPr has requested the Amildar to instruct him regarding the witnesses to be summoned for Post - Sd. for perusal

(L.R.)

MR 2/4

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8 30

Sir B

TSD 6/4 MR 7/4

O.S. 2/30-31 on the file of the Dist. Judge Mys. (S. Narasingha Rao vs Govt)

Law File No. 50 of 1930.

General and Revenue Secretariat

From,

The PBr. Mysore

No. 746 dated 24.4.33 forwarding for Counter Signature his T.A. bill for the month of March 1933.

1) The PBr. has examined defendant's witness in the above case, Mr. G. Narayana Rao, Retired Amin, on open Commission on the 19th March 1933, at B'lore, and claims the T.A. of Rs 14-14-0. The bill may be submitted to the Govt. See for favour of signature. at page 4. For Counter signature to the T.A. Bill

ISO 28/4 MSK (Given Sorg)

IBP 27.4

LTMS 5/5

DD MS 5/5

2) Dft. returning pump

ISO MSK 9/5/33

BSNC IBP 9.5

Issued no. P. 5591 dt 11.5.33.

SNC 12/5/33

8.6.32
9.6.32
18.7.32
19.7.32
6.9.32
7.9.32
5.9.32
20.10.32
25.10.32

GENL 23 APR. 1933 APRIL

5045 2734 O.S. 2/30-31 on the file of the Dt. Ch. Mg.
(S. Narasingha Rao vs Chasee)

9

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

From,

The Pbr. Mys.

No. 534 dated 26.6.33 intimating that the above case was dismissed with costs against defts 1, 2 & 3 and decreed against the 4th deft with Costs and Current interest.

13) Subd with a dft calling for a cop of the Judgment & decree

ISD 30/10.

Issue
pp
30/10

Issued no. P. 5977 dt 1.11.33.

TYPING SECTION
30. OCT. 1933
GENL. & REV. SECTT.

Sen A
2/11/33

From,

The Pbr. Mysore

No. 758 d 3.12.33 forwarding a bill for Rs 46 being his fee for the work done in the above case, and requesting sanction for such addl fee as Govt deem fit and suggesting that the expenses incurred in the suit are to be met from the Mys. Fund of the Instn

14) Subd with a dft returning the bill for resubn after necessary alteration or addition

ISD
7/12

15) Issue
pp
9/12

Issued no. P. 2734 dt 13.12.33.

TYPING SECTION
9. DEC. 1933
GENL. & REV. SECTT.

Sen A
10/12

NOTE—Contn. Sheet.

WD 0246 —GPB—15,000—22-8-32

O.S. 2/30-31 – Dr. Ct. Mysore.
(S. Narasinga Rao vs Ch. Secy & others)

Law File No. of 1933. | General and Revenue Secretariat

From,

The PBr. Mysore.

*No. 96 dt 22.1.34 forwarding a copy of the judgement in the above Case together with his bill for Rs 150 for the work done and requesting sanction of his bill.

(*Copy in file)

b) This is a Suit for i) declaration of title to and possession of land bearing S.no. 14 of Anjanahalli in Yedatore Taluk, and ii) for the Sum realized by sale and also for iii) mesne profits from the date of the Suit till the date of delivery

The facts of the Case are narrated in p. 4-9 of the judgt. The Suit is dismissed with Costs against *defts 1, 2 & 3, and decreed against the 4th deft.

c) As regards the fee of the PBr, it will be worked up and submd after obtaining a copy of the decree.

~~fees of the PBr.~~ Submitted for perusal

150
27/1.

Gen Secy
Fin Secy
(Muz)

MG
27.1

31/1

31/1

d) This bill be returned to Law Secy for ~~perusal~~ necessary action

GS MG
5/2

88
9/2/34

19) Law Secy, with Cuttings
10/2/34

GENL. & REV. SECRETARIAT
851.
1 - FEB. 1934
MUZRAI BRANCH

1) Ch. Secy
2) D.C. Mys
3) Amildar Yedatore

4/5/2

[PBr's Remuneration is worked up in Law D-33-12] (separately recorded)

B 10/3/33

Copy of Judgt Enclosed

xx N 4100 28-8-29

1091 of

WD 02176—GPB —1,290—22-8-21

Notice to opposite party of day fixed for hearing evidence of pauperism. (O. 33, r. 6.)

Form No. 77 (Civil).

Mais 29-29-1

Pvt Secretary 29/8/29

29 AUG. 1929

Case

IN THE COURT OF ~~District Judge~~ AT Mysore.

Dated, Mysore 21st day of August 1929

Mis. ~~SUIT~~ NO. 15 OF 1929 1930

Petitioner
S. Narayana Rao, Clerk, Ambavilas, Place, Mysore

Opponent: Govt. of Mysore by the Chief Secretary to the Govt. of Mysore, Bangalore. Gr. Deputy Commissioner, Mysore District Mysore Gr. Amildar, Yedatore Taluk. Gr. Abdul Rahim alias Bapu Sab Sardar House Mohamed Sab Lashker Mohalla Mysore.

Plaintiff vs. ~~Defendant~~

To The Chief Secretary to the Government of Mysore Bangalore

Sir

~~Whereas~~ I have the honour to state that the petitioner above-named has applied to this Court for permission to institute a suit against the Govt. of Mysore represented by the Chief Secretary in *forma pauperis* under Order XXXIII of the Code of Civil Procedure, 1911, and whereas the Court sees no reason to reject the application; and whereas the 13th day of September 1929 has been fixed for receiving such evidence as the applicant may adduce in proof of his pauperism and for hearing any evidence which may be adduced in disproof thereof:

~~Notice is hereby given to you under Rule 6 of Order XXXIII that~~ In case you ~~may~~ wish to offer any evidence to disprove the pauperism of the applicant, you may do so on appearing in this Court on the said 13 day of September 1929

Given under my hand and the seal of the Court, this day of 192

I have the honour to be,
Sir
Your most obedient Servant.

Judge.

~~District Judge~~

Dist. Judge

2

మైసూరు ఆర్థిక్ట్ జడ్జి వారి కోర్టులో దావా నెంబర్లు -

రిస్ 15 రూ 24-50

అర్జీదారు - వాది

మైసూరు కాపురస్థులు చెలువాంబళ్ళా లక్ష్మీనరసింహస్వామి దేవస్థానం తరపున దేవస్థానం ముఖ్యాధికారులు నంజుండయ్య 44 ఏళ్ళు వారు అంబా చేస్తున్నవిన్నపమేమనగా నిజమాన నం x కాంచే -

అక్కడున్న కోర్టు లు - ఎదిరివాది వర్గం

I The Govt of Mysore - by the chief Secretary to the Govt of Mysore, Bangalore)

II The Deputy Commissioner Mysore Mysore.

III The Amildar, Nagalapur Taluk Mysore District Mysore.

IV. మైసూరు లక్ష్మీరమణస్వామి దేవస్థానం తరపున ముఖ్యాధికారులు నంజుండయ్య యిందులో చెప్పబడిన ఆస్తులకు ట్రస్టీ మరియు ధర్మకర్తలు వారసులు ఇంకా ఎవరైనా ఉన్నట్లయితే వారు ఈ దావాలో ప్రతివాదులుగా చేర్చబడ్డారు

(under O. 33 R 2 C.P.C.)

I అర్జీదారు 1-3 వ్యక్తులు ఎదిరివాదులుగా చేర్చబడ్డారు వారు ఈ దావాలో ప్రత

ఎ.పి.ఇ.ఓ. 33.ఆర్.6 ప్రకారం ఇచ్చిన కారణాలు దాఖలా
లన్ని చూపించినప్పటికి అంగీకరించని దాఖలాలు ప్రత్యేక
లాచరులో కూడా చూపబడ్డాయి అందువల్ల దావాకు గాను దావా
దారుడు అర్హుడని తీర్పు ఇవ్వడమైనది.

(సంతకం) S. Ramasingaraju

పేపర్ మార్క్ A తెలుగులో ఉన్నది ఇది వాది
రాజు గారి తండ్రి అప్రమాణపత్రం ఇది ఆధారపత్ర
గ్రామాల్లో కొండలు చిన్నపాటి నీటి ప్రవాహం
ఇంకా ఇది ఇంగ్లీషులో ఉన్నది ఇది
ఇంకా ఇది ఇంగ్లీషులో ఉన్నది ఇది
రశీదులు పేపర్ నం. 14.

ప్రొసీడింగ్స్ - ఇది ప్రత్యేకంగా సాదన గల్గిన
దఖలాల్లేనందున గల్గిన - తీర్పులు దాఖలు లక్ష్మీ
దాఖలు ఈలు దేవ్యం ఉత్తర రశీదు లేదు - 6 అంకుసాని
తెలుగులో, ఆదేశం 6వ నం. గా లేక్ష్మీ
పేపర్ మార్క్ B

I అడ్వొకేట్ కొరకు కోరి దొడ్డుచున
లేఖగా దస్తావేజులు ఇంకా ఇవ్వడమైనది ఈ రశీదు పత్రిని
పొందినట్లు గా ఉత్తర రశీదు లేదు -

ప్రొసీడింగ్స్ - ఈ సంబంధిత పత్రికలు
గ్రామాల్లో గల్గిన - దస్తావేజు దాఖలు, పత్రాలు
పేపర్ మార్క్ గా దస్తావేజు గల్గిన - ఉత్తర లక్ష్మీ
లిఖిత ప్రయత్నం చేసినందువల్ల 19 (మూ. 18) రశీదులు
3 అంకుసాని - వ. ఆదేశం 7-12 నాటి, లేక్ష్మీ ఇవ్వబడింది.

II అడ్వొకేట్ పత్రాలు దస్తావేజులు ఇవ్వడం - ఇవ్వబోతున్న
పేపర్ మార్క్ చేసిన పత్రాలు లేవు. ప్రొసీడింగ్స్ ఈ
మార్క్ గల్గిన - పత్రాలు చేర్చబడి చూసి దొడ్డుచున్న -
దస్తావేజులు ఈ పత్రంలో ఇవ్వబడినట్లు గా ఉన్నవి గల్గిన -
ఇంకా లక్ష్మీ ప్రకారం చేసిన గల్గిన - ఈ రశీదు
పత్రాలు ఇవ్వబడినట్లు ఇవ్వబడింది

5

4

(ಸಹಿ) S. Narasimha Rao

ಮೇಲಿನ ಪತ್ರವನ್ನು ಪೀಠಾಧ್ಯಕ್ಷರಿಗೆ ಸಲ್ಲಿಸಿ ನಿಲುವನ್ನು ತಿಳಿಸಲು ಅಜೀತ ಪಾಂಡವರವರನ್ನು ಕೇಳಿಕೊಳ್ಳಲಾಗಿ ಅವರು ಪತ್ರವನ್ನು ಪರಿಶೀಲಿಸಿ ಕಾಲಾವಕಾಶ ಕೇಳಿದಂತೆ ಮಾಡಿ ಪತ್ರವನ್ನು ಹಿಂತಿರುಗಿಸಿದರು ಆದ್ದರಿಂದ ಇಂದು ಮತ್ತೆ ಸಭೆ ಸೇರಿದೆ.

(ಸಹಿ) S. Narasimha Rao

29-7-89.

Copy

LOCAL AND LEGISLATIVE SECRET
III
173/
PROTECTED

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE

O.S. No. 2 of 1930-1931

Plaintiff	Defendants
S.Narasinga Rao	The Chief Secretary to the Government of Mysore and 3 others.

50-30-1

xx No 647
Dy. 24-9-1930

To

The Chief Secretary to the
Government of Mysore, Bangalore.

Sir,

Whereas the abovenamed plaintiff has filed a suit against you a copy of which herewith sent for your information I have the honour to state that the said suit stands posted to 10th O c t o b e r 1930 and to request that you will be pleased to make it convenient to appear before this court at 11 A.M. on that date either in person or by a Pleader duly instructed and enable to answer all material questions relating to the suit and to cause production on that day all the document upon which you intend to rely in support of your defence. In default of such appearance on the said date the matter will be decided in your absence. I request that the receipt of this may be kindly acknowledged.

I have the honour to be,
Sir,
Your most obedient servant,

District Judge,
Mysore Dn.

IN THE COURT OFX THE DISTRICT JUDGE, MYSORE.

ORIGINAL SUIT NO:

Plaintiff:- S.NARASINGA RAO son of Subba Rao, Madhva Brahmin, age 44, Clerk, the Ambavilas, Palace, Mysore.

Defendants:- 1) The Government of Mysore by the Chief Secretary to the Government of Mysore, Bangalore.

2) The Deputy Commissioner, Mysore District, Mysore.

3) The Amildar, Yedatore Taluk, Yedatore, Mysore District.

4) Abdul Rahim alias Bapu Sab, son of Gous Mahomed, aged about 38, Mohamadan by caste, merchant by occupation, living near the Jumma Musjid, Lashkar Mohalla, Mysore.

C.P.C.O. VII R.I.

Plaintiff begs to state as follows:-

1) Plaintiff is the owner of plaint schedule land. The fourth defendant conveyed the same to the plaintiff under a registered sale deed dated 14th December 1919, for a consideration of Rs. 1500/-. The said defendant was in possession and enjoyment of the schedule land as owner thereof, since he purchased the same in a Civil Court sale in Ex. 166 of 1911-12 on the file of the Subordinate Judge, Mysore, in execution of a Hypothecation decree, which the said defendant obtained against Mariamma, Some Gowda and others in O.S. 21 of 1910-11 and obtained delivery thereof through the Court on 21-3-1913. The fourth defendant guaranteed at the time of convevance that he had a clear and indisputable title to the property and that his predecessors in interest had been like himself in continuous, uninterupted and exclusive possession and enjoyment of the suit land as owners for over 60 years, paying also the full wet assessment fixed for it, and he handed to the plaintiff some papers evidencing his own rights, as well as the rights title and interest of his predecessors.

2) Purporting to act under the Munarai Regulation of 1913, upon a petition of the Villagers of Arjunahalli, praying for the grant or restoration of the schedule land to the Malleshwara Devaru Temple at Arjunahalli, the 3rd Defendant, in whose Revenue Jurisdiction the land is situate, started an inquiry and without

giving

giving any notice to the petitioner, kept the land under attachment and forcibly remained in possession of the same and the -- usafruct thereof from the time of the sale to the plaintiff. After a protracted inquiry, the second defendant ordered on 4-6-1926, that the schedule land was not, as had been claimed Inam, that Plaintiff was owner and that as such he was entitled to the possession of the land and to the arrears of Gutta or the value thereof, which had been held in deposit. Subsequently, under orders of the Muzarai Commissioner, execution of the order was stayed and finally on 29-1-1929, the plaintiff received an endorsement from the second defendant that the Muzarai Commissioner had passed orders declining to accept the plaintiff as owner and entitled to the possession of the suit land and the Gutta held in deposit, on the ground that Government, on behalf of Sri Malleshwara Devaru Temple had been continuously in possession of the land and advising the plaintiff to take legal steps, if he cared. -- Plaintiff applied for a copy of the order to the Muzarai Commissioner, who referred him to the Second Defendant, who declined to give a copy of the order inspite of several applications.

3) Plaint Schedule land has not been an Inam endowed to -- Malleshwara Temple nor recognised as such for over 60 years nor is it in any sense property belonging to a Muzarai Institution. Neither the Government nor the Muzarai Authorities have any manner of right to exclude the plaintiff, who as owner is legally entitled to the possession and enjoyment of the land. Government have not been in possession of the same on behalf of the temple as is alleged. The order of the Muzarai Commissioner is untravires and illegal. Government and the Muzarai Officers have as stated in para 2 above, declined to let the plaintiff know in what capacity and under what provisions they acted in depriving the plaintiff of the possession and enjoyment of the land.

4) The fourth defendant who was to have put the plaintiff into the possession of the land when he sold his interest, failed to do so, though repeatedly urged by the plaintiff, either because he colluded with the Muzarai Authorities or because he was aware

of

of the proceedings taken by the Muzarai Authorities, knowledge of which he kept from the Plaintifff. He however, assured the plaintiff subsequently that if ~~xxx~~ the matter went against the plaintiff, he would as in law he is bound to make good the purchase - money together with reasonable interest by way of damages.

6) Plaintiff brings this suit after proper notices under S.80 ~~Criminal~~ Civil Proceedure Code to the Chief Secretary to the ~~--~~ to the Muz. Secretary to the Govt of Government, and ~~xx~~ to the second defendant and within six months from the date of intimation to him by the second defendant of the decesion of the Muzarai Commissioner, for receiving possession of the land. as well as for other reliefs to which he is in law entitled.

6) The first defendant, the Goverment of Mysore is the Chief controlling authority in matters connected with Muzarai -- Institutions in the State, and the order ~~xx~~ which has aggrieved the plaintiff was passed by the Muzarai Commissioner under powers dolegated by the said Defendant. The second defendant is the Muzarai Officer of the District and the immediate controlling authority in respect of Muzarai institutions in the District. The third defendant is in possession of the schedule land and the -- Gutta that has accrued due and is in management of the property under orders of the first and the second defendants. They are therefore made defendants in the suit.

7) The cause of action rose against the defendants on 14-12-1919 at Arjunahalli in the Yedatore Taluk, where the land is situate and on 29-1-1929, when the second defendant's intimation of the final orders reached plaintiff.

8. I (a) Plaintiff prays for a decree declaring that he is the owner and the personi entitled to the possession and enjoyment of the suit land and for possessions thereof as against all/the defendants.

(b) Awarding the plaintiff, the Gutta that has accrued in respect of the suit land from the date of sale of the land to him

till the date of suit or its value, which is held in deposit after payment of the Kandayam to Government, amounting to about Rs.2,250/--

(c) Awarding him interim mense profits from the date of suit till delivery of possession of the suit land to him at 4 candies of paddy per acre, being the normal gutta obtaining in the place or its market value, and after deducting such assessment as is due on the land.

(d) Awarding him interest in respect of the relief claimed in (b) at 6 per cent per annum, reckoning on each year's deposit of the Gutta and (c) for costs, and such other relief as the Court may deem the plaintiff is entitled to.

II. Should the Court hold that the Plaintiff is not entitled to the reliefs claimed above, plaintiff prays for a decree against the fourth defendant for refund by the defendant to the plaintiff of the purchase money Rs.1,500/- and the interest thereon by way of damages at 12% per annum for 9½ years from 14-12-1919 to the date of suit-- Rs.1,700/-. Total i.e., Rs.1500/- plus Rs.1700/- Total Rs.3,200/- and current interest thereon at 12 per cent per annum till date of payment, costs and such other relief as the Court may hold the plaintiff is entitled to.

9) Value of the subject matter of the suit for the purpose of Jurisdiction:-

I (a) for declaration and possession (as against defendants 1 to 3) ten times the assessment on the paid. i.e., Rs.62-0-0 by 10-- equals Rs.620/-

Court Fee thereon-- 62/-

(b) For gutta held in deposit approximately about Rs.2300/-

Court fee thereon :- Rs. 181-4-0

Total Court Fee :- Rs. 243-4-0.

Should the sum due be found to be in excess of what is claimed, plaintiff will pay the Court fee thereon.

II. Court fee for the alternative relief:-

Amount claimed from the 4th defendant:-Rs.3200-0-0

Court fee thereon:- 237-8-0

For purposes of this suit, the Court may deem the plaintiff

pays

pays or will pay the higher fee of Rs.243-4-0.

Sd- S.Narasinga Rao.

మేలాకార్యరా।ంద ఇలకగెబకిదరు వుచేలాంలాంది
ంమూ దనగేదిమ్దు ము.మ్మొలిబాంరనిద్దరమ్మ నొక్కేవంగిద్దే
ంమేండు ~~మేమాకు~~ దృడులాంగినంది మ్మైసూంరనమ్మి 29-7-
1929రమ్మి రుబు లుండెకొనే-

Signed- S.Narasinga Rao

C.P.C.O. VII R. 19

S.Narasinga Rao,

Clerk, the Ambavilas.

The Palace, Mysore.
Lakshmivilas Agrahar, Mysore.

Schedule (signed) S.Narasinga Rao.

మ్మైసూంరు ఆనిక్కేలు, ఎడతొంకేకెం మ్మూకే హ్మొంవి అగ్రహారద
హ్మొంబళ్ళిఅజ్జు వరుళ్ళిగ్రామదలి ఉలబనమే గాండెలక్ష్మీకాం
కిన ంగే బింకేయిదు రూంలి మల్లేశ్వరందొలరదనే రంగే
బదలాంరతే ంమూ గేయ వుచేండు కెళ్ళిదు బరువనెమో నం॥ 14.
క్రొంరగే-మిలోకిరంగేగాండనగద్దు- బిన్నెలుక్కేదురి. దబ్బోళ్ళే
నంబెల్లోనగద్దు. ఉర్కేరళ్ళే దారిఉలచ్చేండ్రంవ రకెగిబెకొం
ను 6. ంమేకరకే-కెంగుంబే ఆకార-62-0-0. లుళ్ళేద్దు-

(Signed) S.Narasinga Rao.

Copy KK.

Appendix F G—1

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Draft I

Section Law

File No. 50-30

Serial No. 9

No. J 1959 (4)

General and Revenue Secretariat

(

the *193*

To

The Public Prosecutor Mysore

Date of issue 30/9/30

Signed by M M/

Sir,

I am directed to ~~have the~~ request you to appear for ~~the~~ ~~Honble~~ ~~to~~ ~~file~~ ~~or have with a~~ Government, ~~defendants~~ the 1st defendant ~~Copy of the plaint~~ in O.S. 2 of 1930-31 (S. Narasinga Rao vs Chief Secy and 3 others) on the file of the District Judge which is posted to Mysore, ~~and to request you~~ ~~to appear on~~ 10th Oct 1930 ~~to~~ and to take an adjournment ~~which the Case stands posted~~ for about a month so as to enable Govt to send you ~~A Draft written Statement~~ necessary instructions in the ~~matter and with the~~

List of enclosures.....

Copied by.....

Examined by.....

over

~~prepared and sent for~~
~~approval after obtaining the~~
~~necessary records and instructions~~
~~if any from the Deputy~~ 10th Oct^r
~~Commissioner Mysore~~

Pmt I have etc

Legal R^m

ISD
27/9
MP
28/9

matter of defending the Suit.

The date to which the case may be posted on the may kindly be intimated without delay.

28th Septr 1930.

R 1957 W 30

Law

The Public Prosecutor,
Mysore.

I am directed to request you to appear for Government the 1st defendent in O.S. 2 of 1930-31 (S.Narasinga Rao Vs Chief Secretary and 3 others) on the file of the District Judge Mysore, which is posted to 10th October 1930 and to take an adjournment for about a month so as to enable Government to send you necessary instructions in the matter of defending the suit.

The date to which the case may be posted on the 10th October 1930 may kindly be intimated without delay.

I have the honor to be,
Sir,
Your most obedient servant,

Legal Remembrancer and Secy.
to Govt. Law Deptt.

c.n.

15

Appendix F G—1

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 30/9/30

Signed by M. N. V.

List of enclosures.....

Copied by

Examined by.....

TL

Section Law

File No. 50-30

Serial No. 2

No. 7960

To

The District Judge

Mysore

Sir,

I have the honour to acknowledge the receipt of ~~the~~ your letter ~~No.~~ XX No: 647 dated 24th Sept^r, intimating ~~the~~ the institution of O.S. No. 2 of 1930-31 (S. Narasimha Rao Vs Govt & 3 Others) on ~~the~~ your file. The Public Prosecutor Mysore has been ~~requested~~ instructed to appear on behalf of Govt on 10th Oct^r 1930 -

I have etc

for Chief Secy

over

DNC 28/9

16

29th Septr 1930.

The Chief
xx

xxxxxxxxx

The District Judge
Mysore.

I have the honor to acknowledge the receipt of your letter XX No. 647 dated 24th September, intimating the institution of O.S.No. 2 of 1930-31 (S.Narasinga Rao Vs Government and 3 others) on your file. The Public Prosecutor Mysore has been instructed to appear on behalf of Government on 10th October 1930.

I have the honor to be,

Sir,

Your most obedient servant,

For Chief Secretary to Govt.

c.n.

17

Appendix F G—1

SUBJECT.....

.....

.....

Section Legal

File No. 56 – 30

Serial No. 4

No. P 2303

Encl: Nil

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The Public Prosecutor

Mysore

Date of issue 28/10/30

Signed by Mr MRJ

Sir,

In Continuation of this office No: P 1959 dated 30th September 1930 requesting you to appear for Government in O.S. 2 of 30-31 (S. Nara-Singa Rao vs Government & Others) on the file of the District Court, Mysore, I have the honour to forward herewith a copy of the plaint as also the marginally noted Secretariat files connected with the Suit claim

over

List of enclosures.....

Copied by .....

Examined by.....

Land File 123-28 (SC 1/2)

Mur File 367-26 (SC 1-4)

and to request you to prepare ~~a draft written statement~~
a draft written statement
offer. Obtaining such further instructions
as may be necessary for the
purpose from the Deputy Com^r
Mysore, and the Nuzarai Com^r
and to send the same with the connected records to
this office for Scrutiny and
approval as required by
rules.

The Secretariat files sent herewith may be treated as Confidential and returned along with the draft Statement.

I have etc

Legal R^r.

DM
17.10

19

P 2303 Encl three
Law 50-204

27th October 1930.
28

The Public Prosecutor,
Mysore.

In continuation of this Office No.P. 1959 dated 30th September 1930 requesting you to appear for Government in O.S. 2 of 30-31 (S.Narasinga Rao Vs Government and others) on the file of the District Court, Mysore, I have the honor to forward herewith a copy of the plaint as also the marginally noted

* Law File 123-28 (Sls 1 & 2)
Muz File 367-26 (Sl 1-4)

Secretariat files connected with the suit claim and to request you to prepare a draft written statement after obtaining such further instructions as may be necessary for the purpose from the Deputy Commissioner Mysore, and the Muzrai Commissioner and send the same with the connected records to this office for -- scrutiny and approval as required by rules.

The Secretariat files sent herewith may be treated as confidential and returned along with the draft statement.

I have the honor to be,

Sir,

Your most obedient servant,

For Legal Remembrancer and
Secy. to Government Law Deptt.
ISD

c.n.

M. C. 131

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 6th November 1930.

No. 2034 Ev-2
28-9

FROM S. P. Rajagopalachari, Esq., B.A., B.L.;
[redacted],
Muzrai Commissioner in Mysore.

To

P. Mahadevayya, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Law Department

SIR,

Referring to your letter No.P.7618/Law 123-28-2 dated 24-6-29, I have the honor to forward herewith copy of letter No.H.1003/28 dated 9-10-30 together with a copy of its enclosure from the Deputy Commissioner, Mysore District, stating that the Public Prosecutor having withdrawn his objection to allow S. ~~Narayana~~ Rasinga Rau to sue informa pauperis, the Court was pleased to allow the petition and order that the suit may be registered as an original suit and that the Public Prosecutor will be requested to conduct the defence after the summons are received from the Court.

I have the honor to be,

Sir,

Your most obedient servant,

S Rajagopal

Muzrai Commissioner.

AM/

Letter No.H.1003/28 dated 9-10-30 from the Deputy Commissioner, Mysore District, to the Muzrai Commissioner in Mysore.

S.No.14 Arjunahalli - Yedatore Taluk - Suit by S.Narasinga Rau.

With reference to your letter No. C.2034 of 28-29 dated 16-9-30, I have the honor to submit herewith a copy of Public Prosecutor's letter No.155 of 27-9-30 stating that the suit filed by S. Narasinga Rau has been admitted by the Court and registered as an original suit. The Public Prosecutor will be requested to conduct the defence after summons are received from the Court.

"COPY"

For Muzrai Commissioner.

Letter No.155 dated 27th September 1930 from the Public Prosecutor, Mysore to the Deputy Commissioner, Mysore Dist.

With reference to your letter No.H.1003-28 dated 20th September 1930 regarding mis 15 of 29-30 (S.Narasinga Rao V.S. The Chief Secretary and others), I have the honor to state that the petition for permissinn to sue informa-pauperis came on for evidence on 5-9-30 and the petitioner was examined. He stated that he is not possessed of any property other than the subject matter of the suit, the report of the Amildar, Mysore Taluk, was to the same effect. In view of the Amildar's report ---- received through the Deputy Commissioner, it was considered reasonable to withdraw the objection to pauperism. On my submission to the above effect the court was pleased to allow the petition and order that the suit may be registered as an original suit. Summonses in the usual course will be sent to the Chief Secretary, the Deputy Commissioner and the Amildar Yedatore Taluk, and on receipt of the same instructions will be sought for preparing the ~~xixx~~ written statement.

I request that the file relating to the petitioners claim may kindly be forwarded to this office.

"C o p y"

For Mukrai Commissioner.

23

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 27/28th October 1930

No. P. 2303/Law 50-304.

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Public Prosecutor,

Mysore.

Sir,

In continuation of this Office No.P.1959 dated 30th September 1930 requesting you to appear for Government in O.S. 2 of 30-31 (S.Narasinga Rao Vs Government and others) on the file of the District Court, Mysore, I have the honor to forward herewith a copy of the plaint as also the marginally noted Secretariat Files connected with the suit claim and to request you to prepare a draft written statement after obtaining such further instructions as may be necessary for the purpose from the Deputy Commissioner, Mysore and the Muzrai Commissioner and send the same with the connected records to this office for scrutiny and approval as required by rules.

* Law File 123-28 (Sls. 1 and 2)
Muz File 367-26 (Sl. 1-4)

The Secretariat files sent herewith may be treated as confidential and returned along with the draft statement.

I have the honor to be
Sir,
Your most obedient servant,

Sd/-P.Manadevayya.

For Legal Remembrancer and
Secretary to Government
Law Department.

Copy to Muzrai Comr P2750 13/11
" " D.C. Mysore, P2751 13/11

Laws 5-30

Per Registered Post 24

3PB- 25589 P 830

192 .

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The Secretary to the Govt.
of H.H.the Maharaja of
Mysore, Law Department.
Bangalore.

Dated 19-11-30.

Despatched 19-11-30.

Received

General No.

No. 286.

Enclosure No. 3. Nine

Sir,

In due compliance with your letter No.P.2303 dated 27/28-10-30 instructing me to prepare a draft written statement to be filed in O. S. 2 of 1930-31 (S. Narasinga Rao Vs Government and others), I have the honour to submit for your approval the enclosed draft written statement with a spare copy, and to request that the same may be scruitinized and returned.

The Secretariat files sent with your letter viz:- Law File 123-28, Muz; File 367-26 are herewith returned along with copy of plaint.

25

In drafting the written statement I have made use of the Secretariat files, as well as the vernacular file sent to me by the ~~Deputy~~ Deputy Commissioner. The written statement is somewhat prolix and repetitive. The correspondence on the subject covers a period of nearly 20 years and is not quite free from confusion. The Amildar, Yedatore Taluk has been requested to verify the accuracy of one or two points regarding the possession of land between 1913 and 1919, and its identity with reference to the land described in the pre-survey records. As regards the plea of limitation raised, kind reference is invited to pages 699 to 703, Rustomji's Law of Limitation.

The suit is adjourned for defence to 27-11-30 before which date the written statement may, if possible, be returned duly signed by the Chief Secretary.

I have the honour to be,

S i r,

Your most obedient servant.

K Ramachandra Rao

Public Prosecutor.

Appendix F G—1

SUBJECT.....

.....

.....

Section Leave

File No. 50-20

Diary No. of letter replied to.....

Serial No.

No. P2956 } By Registered Post
Encl 4 }

General and Revenue Secretariat
( )
the 193

To

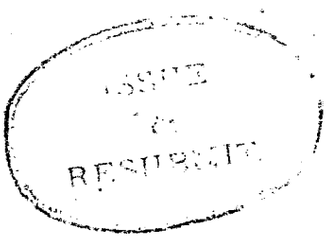
The P.P.r, Mysore

Date of issue 25/11

Signed by. Mr. V. Raghava

Sir,

With reference to your letter No: 286 dated 19th Nov. 1930 forwarding for approval a draft ~~of~~ written statement in O.S. 2 of 30-31 (S. Narasimha Rao vs Govt) on the file of the D.C. Mysore, I have the honor to state that since as you state in your letter under reply



List of enclosures.....

Copied by.....

Examined by.....

[over

WD 02559—GPB—25,000—25-6-30

that the accuracy of certain
Statements regarding the possession
of the land betn 1913 & 1919
~~is~~ is still under investigation,
the ~~written~~ written Statement sent cannot
be signed by the ~~Sgnd~~ Chief Secretary
before the facts are ~~ascertained~~ Correctly ascertained.
~~and~~ The Same as with the connected
records sent with your letter
are therefore herewith returned
~~of~~ for resubmission in due
Course.

Yours etc

Illegible

for SR

28

25th November 1930.

The Public Prosecutor,

Mysore.

With reference to your letter No. 286 dated 19th November 1930 forwarding for approval a draft written statement in O.S. 2 of 30-31 (S.Narasinga Rao Vs. Government) on the file of the District Court Mysore, I have the honor to state that since as you state in your letter under reply that the accuracy of certain statements regarding the possession of the land between 1913 and 1919 is still under investigation, the written statement sent cannot be signed by the Chief Secretary before the facts are correctly ascertained. The same with the connected records sent with your letter are therefore herewith returned for resubmission in due course.

I have the honor to be,

Sir,

Your most obedient servant,

For Legal Remembrancer and
Secretary to Govt.Law Deptt.

c.n.

2725 P 8302 9

No. 307. Mysore, dated 28th November 1930.

Encls 1 file (Ver)
1 MS
2 files (Secondary)

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The Secretary to the Government
of H.H.the Maharaja of Mysore,
Law Department, Bangalore.

P. 29 (1)

O. S. No. 2 of 30-31.

S. Narasinga Rao Vs Amildar of Yedatore Taluk.

on the file of the District Judge, M Y S O R E.

Sir,

In resubmitting the written statement to be filed in the above suit for your approval, I have the honour to state that the two points on which reference had been made to the Amildar of Yedatore were the following viz:-

(1) Is the suit land (S.No.14, wet, 6 acres and 7 guntas) identical with Maji No. 75, Dry, 5 kolagas of Arjunahally village ?

(2) Who was in actual possession and enjoyment of the suit land between 1913 and 1919 ?

The Amildar reports that S. No. 14 is identical with Maji No. 75. As regards the actual possession of the suit land between 1913 and 1919 he reports that the pahanis for those years are destroyed and it is not possible to say from the available accounts whether the land was cultivated during that period and if so, by whom.

From the vernacular records sent to me it may be gathered that the 4th Defendant was paying the assessment from 1913. But in 1913 and 1914 the Pujaris themselves had cultivated the land. In 1915 no crops were raised as the villagers resisted the 4th Defendant and prevented him from entering upon the land (Vide: Amildar's Report dated 4-12-15, page 20 of the vernacular file) It lay fallow till 1919 when the Taluk Amildar leased it out on behalf of the temple (Vide: Amildar's Report dated 21-6-19, page 33/2)

The above materials are sufficient, in my opinion, to urge that the 4th Defendant was never in actual possession of the land though he obtained symbolical delivery in 1913 and paid the assessment till 1919.

The vernacular records and the reports of the Amildar are herewith submitted for reference. They may be returned with the written statement. The Secretariat files may be retained there as they need not be filed in Court. The case stands adjourned to 12-12-30 for defence.

I have the honour to be,

S i r,

Your most obedient servant.

/s/ Ramaswami

Public Prosecutor.

IN THE COURT OF THE DISTRICT JUDGE, M Y S O R E.

O. S. No. 2 of 1930-31.

Plaintiff: S. Narasinga Rao.

Vs

Defendants: 1. Amildar,
Yedatore Taluk.

2. Deputy Commissioner,
Mysore District.

3. Chief Secretary
to Government.

4. Abdul Rahim Sab.

Order 8, Rule 1, C. P. C.

Written statement filed on behalf of the Defendants 1, 2 and 3.

Defendants 1, 2 and 3 beg to state as follows:-

1. That the suit as against these defendants purports to have been filed for a declaration of title to and recovery of possession of S. No. 14 of Arjunahalli village. It is not clear from the plaint allegations whether the suit claim is an action for ejectment or for cancellation of an order passed under Section 19 of the R & C. Regulation. It is also not clear why the Chief Secretary, the Deputy Commissioner and the Amildar are all impleaded in the suit as defendants.

2. That the defendants do not admit the truth, validity

truth, validity, bona fides and genuineness of the transaction of sale and purchase under which the plaintiff claims title to the suit property.

3. That from time immemorial the suit land was in the possession and enjoyment of Pujari Basave Gowda and his ancestors for and on behalf of the temple of Malleswara of Arjunahalli village. It was registered as ' whole grant devadaya.' During the settlement operations in 1879 the jodi inam grant was declared invalid and ordered to be resumed and the land fully assessed. The land continued to be in the possession of the temple. The Pujaris cultivated it and enjoyed the produce in lieu of services rendered. The khata which stood in the name of " Malleswara Devaroo - Pujari Basave Gowda " was made out after his death in the name of his son Some Gowda. But in 1908 it was changed and made out in the name of the deity " Malleswara Devaroo " in pursuance of the jamabandy Officer's order. The Pujari and his descendants continued to enjoy the land as ' anubhavadars ' and as Pujaris of the temple. They acquiesced in the change of khata into the name of the deity. On 3-2-1904 Some Gowda and his sister Mariyamma hypothecated the suit land and their private lands to the 4th defendant's uncle. On 3-12-1910 the 4th Defendant filed O. S. 21 of 1910-11 on the file of the Subordinate Judge, Mysore, and purchased the land on 10-3-13 in execution of the ex-parte decree obtained on 23-3-11. These defendants do not admit the validity of the delivery proceedings and the truth

the truth of the actual or symbolical delivery of possession in March 1913. However the 4th Defendant did not get actual possession of the suit land either at the time of delivery - through Court or at any time afterwards. The inhabitants of Arjunahalli village who are the devotees of the temple did not allow the 4th Defendant to enter upon the temple land. In March 1919 the Taluk Amildar took actual possession of the suit land and it has ever since remained in the possession of the - Government uninterruptedly on behalf of the temple. Neither the plaintiff nor his vendor has been in possession of the suit land since the date of the alleged delivery. In any case the temple has been in adverse possession of the land for over 12 years before the institution of the suit.

4. That from 1915 to 1919 the suit land was not under cultivation and the temple service was neglected. On the representation of the villagers the Taluk Amildar took actual possession of the land in June 1919 and the temple and the land have been ever since been under the direct management of the Government.

5. That the temple that owns the suit land is a Religious Institution under Government management. In May 1911 the wrongful alienation of the suit land by the Pujaris in favour of the 4th Defendant came to the knowledge of the Taluk Amildar. He at once ordered an enquiry and issued notices to the Pujaris and the 4th Defendant. The villagers who are the devotees of the temple also compalined of the alienation. On

On 12-9-11 the 4th Defendant promised to appear at the enquiry and produce his title deeds. But he did not turn up till 31-8-15 when he again promised to produce his title deeds within 15 days, and he gave an undertaking that he would not enter upon the land, and agreed to be treated ex-parte if he failed to appear within 15 days. It is not true to say that the 3rd Defendant kept the land under attachment and forcibly remained in possession. The 4th Defendant was not in possession of the land at the time of sale to plaintiff or at any time previous to it. He purchased the land on 10-3-13 when he was aware of the fact that the land belonged to the temple and was in its possession. The decree passed in O. S. 21 of 10-11 and subsequent execution and Miscellaneous proceedings and the sale in favour of the plaintiff do not bind the Government or affect the rights of the temple over the suit land.

6. That in 1920 one Puttachar of Mysore claiming to be the purchaser of the suit land from the 4th Defendant petitioned to the Government that he was entitled to the suit land. His claim had been decided by the Deputy Commissioner in favour of the present plaintiff who appears to be the son-in-law of Puttachar. But the Muzrai Commissioner and the Government over-ruled the decision of the Deputy Commissioner and finally dismissed the claim of the plaintiff to recover possession of the suit land.

7. That it is true that the plaintiff issued notice to the 1st Defendant on 16-5-29. But these

these defendants do not admit that it is a proper and sufficient notice under Section 80 of the Civil Procedure Code.

8. That the suit land is the property of the temple. The plaintiff and his vendor have not been in possession of the land within 12 years before suit. The temple and the Government have been in adverse possession of the land uninterruptedly from 1908, that is, when the khata was re-transferred to the name of the deity. The alienation made by the Pujaris in favour of the 4th Defendant was neither valid nor binding on the Government as the Pujaris had no saleable interest in the property. The proceedings in O. S. 21 of 10-11 are not binding on the Government. The plaintiff is not entitled to the reliefs claimed in paragraph 8 of the plaint.

9. That the ~~aaa~~ cause of action, if any, arose on 10-3-13 when the 4th Defendant is said to have obtained an order of confirmation of the execution sale from the Subordinate Judge, Mysore. Hence this suit which is brought more than 12 years after the date of the said execution sale is clearly barred by time. The suit is liable to be dismissed under articles 142 and 144 of the Mysore Limitation Regulation.

10. That these defendants are not in possession of any money held in deposit for the plaintiff. The surplus amount deposited on behalf of the temple is not liable to be claimed by the plaintiff. The plaintiff, even if he should succeed in this suit, is not entitled to claim more than 3 years'

3 years' mesne profits at reasonable rates.

11. The allegations contained in the plaint and not specifically traversed herein, are not admitted.

12. It is therefore prayed that the suit may be dismissed with costs.

Chief Secretary,
to Government.

I, N. Madhava Rao, Esquire, B. A.,B.L., Chief Secretary to the Government of His Highness the Maharaja of Mysore, the 3rd Defendant herein, do solemnly affirm that the facts stated above are all true to the best of my information and belief.

Chief Secretary
to Government.

37

Appendix F G—

SUBJECT.....

.....

.....

Section New

File No. 50/30

Diary No. of letter replied to.....

Serial No. 9

No. P3191

General and Revenue Secretariat

( )

the *193*

To

The Public Prosecutor

Date of issue 4-12-30

Sir O.S. 2 of 30-31
(S. Narasinga Rao vs Govt)

I have the honour

Signed by.....

to return herewith the record
in the above case
The
& written statement sent

with your letter No. 307 of

25th Nov 1930, duly signed

by the Chief Secretary. The
Secretariat file, are retained here

further progress of the

List of enclosures.....

case may kindly be intimated

to this office in due course

I have etc

Copied by.....

Examined by.....

for S.R.

[over

WD 02559—GPB—25,000—25-6-30

386

No. 31 P 30

4th December 1930.

The Public Prosecutor,

~~Bangalore.~~ Mysore -

O.S. 2 of 30-31 (S.Narasinga Rao Vs. Government

I have the honor to return the records and the written statement in the above case sent with your letter No. 307 of 28th November 1930, duly signed by the Chief Secretary. The Secretariat Files are retained here.

Further progress of the case may kindly be intimated to this office in due course.

I have the honor to be,

Sir,

Your most obedient servant,

DMP

For Legal Remembrancer and
Secy. to Govt.Law Deptt.

TSD

c.n.

89

WD 646 -GPB -50,000 -4-9-28

192 .

From The Public Prosecutor,
Mysore Division,
Mysore.

To
The Secretary to the Govt.of
H.H.the Maharaja of
Mysore, BANGALORE.

Dated 10-12-30.

Despatched 10-12-30.

Received

General No.

No. 345

Enclosure No. one.

Sir,

I have the honour to forward for the signature of the Chief Secretary the vakalatnama to be filed in O. S. 2 of 30-31 (S. Narasinga Rao. Vs Chief Secretary and others) on the file of the District Judge, Mysore.

I request that you may be so good as to get it signed by the Chief Secretary and send it on to this Office. Hg. 12.12.30.

I have the honour to be,
S i r,
Your most obedient servant.

K Ramaswamy

Public Prosecutor,
Mysore Division.

40

Appendix F G—1

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section

File No.

Serial No.

No. P. 3352 / Secl

General and Revenue Secretariat

( )

the 193 .

To

The Public Prosecutor, Mysore

Date of issue 11/12/30

Sir,

Signed by M. N. Jois

I am directed to return herewith, duly signed by the Ch. Secy the vakalat-nama to be filed in O.S. 2 of 30-31 on the file of the Dist. Judge Mysore (J. Narasingha Rao vs Ch. Secy), forwarded with your letter No 345 dated 10.12.30

List of enclosures.....

Copied by.....

I have the honour to be

Sir

Your most obedient servant

Secretary to G. R.

Examined by.....

ISD
11/12

Cover

WD 02559—GPB—25,000—25-6-30

11th December 1930

The Public Prosecutor,
Mysore.

I am directed to return herewith, duly signed by the Chief Secretary the vakalatnama to be filed in O.S.2 of 30-31 on the file of the District Judge Mysore (S.Narasinga Rao Vs Chief Secretary), forwarded with your letter No. 345 dated 10th December 1930.

I have the honor to be,

Sir,

Your most obedient servant,

For Legal Remembrancer and
Secy. to Govt.Law Deptt.

TSD

c.n.

42

19.5.3. — for Evidence

In the Court of the District Judge, Mysore

O. S 2 of 30-31

Plaintiff:-

S. Narasinga Rao.

Vs

Defendants:

1. Governmen t of Mysore.
2. Deputy Commissioner, Mysore Dt.
3. Amildar, Yedatore Taluk.
4. Abdul Rahim alias Babu Sahib.

Plaintiff's reply to the statement of defendants 1 to 3.

1. Plain t para 8 disclosed in clear terms the nature of th e suit as the relief claimed. The defendants 1 to 3 are joined as defendants for reasons set out in plaint para 6.

2. The plaintiff denies that the suit land was in possession and enjoyment and Pujari Basave Gowda and his ancestors for and on behalf of the Malleswara Temple. The land was fully assessed in the settlement of 1879 and was in the possession and enjoyment of Basave Gowda and his ancesto rs as their own property and not a as th e property of the temple. The land was granted to one Mari Gow da who applied for it about 1860, and x assessment was levie d thereon. The change of the khata into the name of the Malleswara Devaroo made in 1908 was uncalled for and ultra vires. Neither the temple servants not the temple authorities as such held the land for and on behalf of the temple. The plaintiff learns that no inquiry was held by the Sub-Division Officer, who as jamabandi officer, transferred the

6. Plaintiff admits para 6, but states that the order of the Muzrai Commissioner in over-ruling the decision of the Deputy Commissioner was irregular, illegal, arbitrary and ultra vires.

7. The notices issued on behalf of the plaintiff to the defendants 1 to 3 are proper and sufficient, and fulfil the requirements of Law.

8. The suit land was never the property of the temple and neither the temple nor the Government for and on behalf of the temple, has been in adverse possession for over 12 years against the plaintiff. There was no retransfer of the khata into the name of the Deity in 1908. The transfer of the khata made by the jamabandi officer into the name of the temple in 1908 was illegal, and it never affected the possession and enjoyment of the plaintiff's predecessors in interest, namely the 4th defendant, Some Gowda, etc.

9. The plea of limitation is unsustainable in Law. The second defendant having conceded in 1926 that the gutta was held in trust, the defendants are estopped from raising the plea that the gutta and the land were not held in trust. The defendants contention that the plaintiff is entitled only to 3 years' gutta is unsustainable

10. The plaintiff denies the truth of other allegations in the written statement not specifically traversed.

Sd. S. Narasinga Rao.

Copy

Public Prosecutor,

Mysore Division.

THREE ANNAS

GOVERNMENT OF MYSORE

ಮೂರು ಆಣೆ 45

ASSTT. PUBLIC PROSECUTOR MYSORE DISTRICT
Rs.

C.R. No 4437

5 3 Sheets

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE.

DATED 7th February 1931.

Present: K.Shankaranarayana Rao, Esq, M.A.,B.L.,
District Judge.

ORIGINAL SUIT NO. 2 of 1930-31.

PLAINTIFF:- S.Narasinga Row.
Vs.
DEFENDANT:- The Chief Secretary to the Government of Mysore.

The following were framed on the 7-2-31.

I S S U E S.

1. Did the suit land belong to the 4th defendant as pleaded by the plaintiff or is it property endowed to Sree Malleshwara Devaru, as pleaded by defendants 1 to 3?

2. Have the plaintiff and his predecessors in title been in possession of the land within 12 years from the date of suit?

3. Is the order of the Muzarai Commissioner, excluding the plaintiff from possession and enjoyment of the suit land, ultra Vires or illegal as pleaded by the plaintiff?

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

DISTRICT & SESSIONS COURT'S CENTRAL RECORD MYSORE DIVISION

THREE ANNAS
GOVERNMENT OF MYSORE
ಮೂರು ಆಣೆ 4/0

4. Are the alienation of the land by the temple Poojaris in favour of the 4th defendant and the connected later proceedings in O.S.No.21 of 10-11 Etc. on the file of the Subordinate Judge, Mysore, binding on the temple?

5. Has the Sree Malleshwara temple been in adverse possession of the suit land for over 12 years, as against the plaintiff?

6. Is the period during which the Muzarai inquiry lasted to be treated as adverse to the plaintiff for purposes of the above calculation?

7. Is not the sale in favour of the plaintiff by the 4th defendant bona fide?

8. In the event of the plaintiff's failure to recover the land, is he not entitled to obtain a refund of the purchase money together with interest therein from the 4th defendant?

DISTRICT AND SESSIONS COURT * CENTRAL RECORDS * MYSORE DIVISION

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

GOVT OF MYSORE

ಮೂರು ಆಣೆ 47

9. Was the plaintiff aware of the claim of the said temple to the suit land at the time he purchased the property, and if so what is the effect of such knowledge on the relief specified in issue~~s~~ No.8?

10.(a) Is not Rs.1500/- the price paid for the suit property as pleaded by the 4th defendant?

(b) If not what was the actual price paid therefor?

(c) Is the 4th defendant entitled to put forward such a contention?

11. What is the amount of mesne profits, if any, to which the plaintiff would be entitled and for what period?

12. To what relief if any is the plaintiff entitled - as against the defendants 1 to 3 and 4 respectively?

Sd/ K.Shnakaranarayana Rao.
District Judge.
7-2-1931.

"True Copy"
By Order

Head Record Keeper.

DISTRICT AND SESSIONS COURT MYSORE CENTRAL RECORDS

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
19-3-31. By Mr. K.Ramaswamiah, Advocate for Defendant with C.Sheets.	30-3-31.	30.3.31	26-3-31 by 30-3-31.	26-3-31.

Copy ready on the	Copy delivered on the	Copied by	Examined by
26/3/31	30.3.31	S.V. Ramaswamy	P. Kuvarnathe

sheets. 3. words 415.

30-(1-9)

48 53-89
P

From

The Public Prosecutor,

Mysore Division,

Mysore.

To

The General Secretary to the
Govt. of His Highness
the Maharaja of Mysore,
Law Section, Bangalore

Dated 24-4-33.

Despatched 24-4-33.

Received.

General No.

No.746.

Enclosure.1.T.A.Bill.

GENERAL SECRETARY
25 APR. 1933
No. 120.

Sir,

I have the honour to forward herewith T.A.Bill for the month of March 1933 and to request that the same may

49

Appendix F_G—1]

JBJECT.....

.....

.....

Section

File No.
15
Serial No.

iary No. of letter replied to.....

No. P-5891/Eco/T.A.Bill.

To

The P.Pr. Mysore

Gen. and Revenue Secretariat

( )

the 193

Sir,

I am directed to return herewith duly Countersigned Your T.A. bill for the month of March 1933, sent with Your letter no. 766 dated 24th April 1933

I have

for Gen. Sec.

ate of issue 11/5/33

gned by Jn. M.A.J. Rao

List of enclosures.....

Copied by.....

Examined by.....

5-5-4

No. ~~553~~

Encls.

2254/33 Office of the Public Prosecutor, 50

Mysore Division,

From

Mysore, Dated 23/26 October 1933

The Public Prosecutor,
Mysore Division,
MYSORE.

To

GENERAL SECRETARIAT 28 OCT

The General Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Section, BANGALORE.

Subject: O S No 2 of 30-31

C Narasinga Rao vs 1 Chief Secretary
2 Deputy Commissioner
3 Amildar, Yedatore
4 Bajao Sheg

I have the honour to state that the above-noted case has been ~~adjourned to~~ disposed of

73 Suit dismissed with Costs against defendants 1, 2 & 3 Decree against the 4th for Rs 1500/- with Costs and Current interest.

I have the honour to be
Sir,
Your most obedient servant,

C Rama Rao

Public Prosecutor,
Mysore Division.

57

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P. 0977 Dated, Bangalore, 31 st October 1933.

T 11

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To The Public Prosecutor,
Mysore.

Sir,

O.S.2/30-31 on the file of the District Judge, Mysore.
(S. Narasinga Rao Vs. Government).

With reference to your letter No.554 dated 26th October 1933 intimating the disposal of the above case [redacted] rected to request that a copy of the Judgment and [redacted] kindly be obtained and sent for information of [redacted] nt early.

I have the honour to be,
Sir,
Your most obedient servant,

MN

for General Secretary to Government.

TSD

G. R. S. App F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

No. P. 1977 / 33 dt 1/11/33 52

To,

The P.A. Mys.

O.S. 1500/31 on the file of the Dt. Judge Mysore

(S. narasinga Rao vs Govt)

Sir,

With reference to your letter no. 5574 dt 26.10.33 intimating the disposal of the above Case, I am directed to request that a C/C of the judgment and decree may kindly be obtained and sent for information of Govt early

I have the

I am di

decree ma

Governme

I have etc

PSD 30/11

for Secretary 30/11

3045 P 33/53

3PB-

192 .

From

The Public Prosecutor,

Mysore Division,

To Mysore.

The General Secretary to
the Govt. of H.H. the
Maharaja of Mysore,
Law Section,
Bangalore.

Dated 3-12-1933.

Despatched 3-12-1933.

Received

General No.

No. 758.

Enclosure No. one bill.

GENERAL SECRETARY
5 DEC. 1933
No. Pro.

See remarks on the other letter received today same as above here

Sir,

I beg to submit for sanction and payment countersigned bill for Rs.146/- only for donducting O. S. No. 2 of 30-31 (S.Narasinga Rao Vs Chief Secretary and others) on the file of the District Judge, Mysore, and to request that in view of the complicated nature of the suit and the number of hearings the case went through, the Government may be pleased to sanction such additional reruneration as they may be pleased to award.

Orders awaited

Copies of Judgment and decree have been applied for and the same will be submitted to Governrent in the usual course. The expenses incurred in the case are to be met from the Muzrai fund of the Institution i.e. Malleswara Temple at

55

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P.2734 Gen I

Bangalore, Dated, 12th Dec. 1933. 13

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Mysore Division, Mysore.

Sir,

O-S.2/30-31 on the file of the District Judge, Mysore (S. Narasinga Rao -VS- Government).

S i r,

With reference to your letter No.758 dated 3-12-1933, forwarding a bill countersigned for Rs.146/- for the work done in the above case, I am directed to enquire whether any advance has been received by you for the conduct of the suit and if so whether it has been duly accounted for.

The out of pocket expenses incurred by you in the suit for contingencies etc., may kindly be included in the bill and submitted for sanction of Government so as to avoid a fresh bill for contingencies. Copies of Judgment and decree may also be kindly obtained and sent early.

The bill is herewith returned for resubmission after necessary alteration.

I have the honour to be,
S i r,
Your most obedient servant,

For General Secretary to Government.

56

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. ~~2 32~~

Serial No. ~~7~~

No. P 2734/Sec 1 bill

To

The PPr. Mysore

O. S. 2/30-31 on the file of

the District Judge Mysore

~~(~~S. Ramanja Rao vs Govt~~)~~

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 13/12/33

Signed by Jun 2nd Sec

Sir,

With reference to your letter no 750 dated 3.12.33 forwarding Countersigned a bill (for Rs 146) for the work done in the above Case. I am directed to enquire whether any advance has been received by you for the Conduct of the Suit and if so whether it has been duly accounted for.

The sum of pocket expenses in the Suit incurred by you, for Contingencies etc may kindly be included in the bill and submitted for sanction of Govt so as to avoid a fresh bill for Contingencies.

List of enclosures .....

Copied by .....

Examined by .....

WD 0677—GPB—15,000—3-11-33

5/ Copies of Judgment and decree
may also be kindly obtained
and sent early.

The bill is herewith
returned for necessary alteration
resubmission after

I have etc

ISD.
7/12

pp HC for Genl Secy.
9/12

58

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P.3901

Dated, Bangalore, 14th February 1934.

15

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor, Mysore.

O.S.2 of 1930-31 on the file of the District Judge, Mysore. (S.Narasinga Rao Vs. Government)

Sir,

With reference to your letter No. 905 dated 22nd January 1934 submitting your bill for the work done in the above case, I am directed to request that a copy of the decree may kindly be obtained and sent for information of Government early.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

C.R.G.2

Appendix F G—1]

SUBJECT .....

.....

.....

Section

File No.

Serial No

Diary No. of lelter replied to .....

General and Revenue Secretariat

( )

the *193*

Date of issue 15/2/34

Signed by M. N. R. J. Rao

List of enclosures .....

Copied by .....

Examined by .....

No. P 3901

To The PAr. Mysore

O.S. 2/30-31 on the file of the

Dist. Judge Mysore

(T. narasinga Rao ... vs ...)

Sir,

With reference to your

letter no. 901 d 12.1.34 submitting y.

bill for the work done in the

above case, I am directed to

request that a certified copy of the

decree may kindly be obtained and

sent for information & necessary

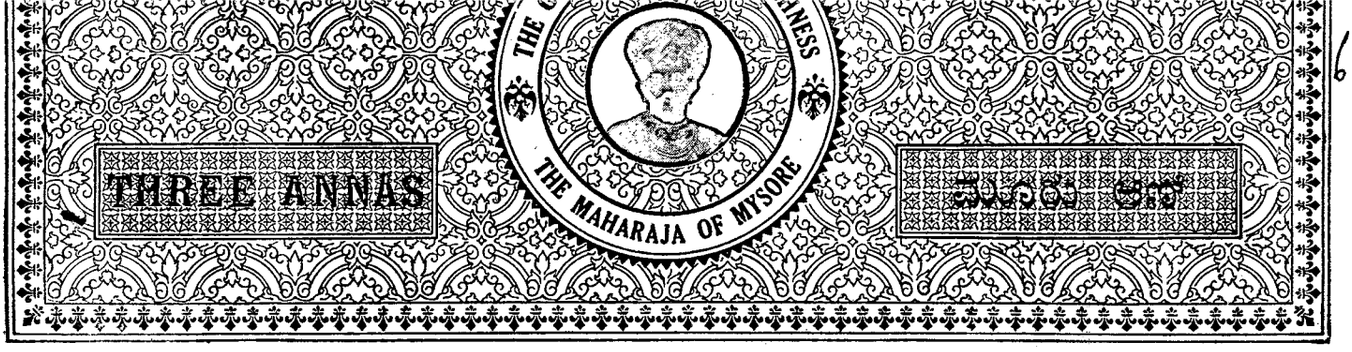
action.

I have etc

for Secl

ISD

WD 0677—GPB—15,000—3-11-33.



60

2369
E 73
REV
M K Ranaswamy

In the Court of the District Judge , Mysore

Dated :- 23rd October 1933

P R E S E N T

C. Narayana Swamy Naidu, Esquire, B.A.B.L.
District Judge

Original Suit Number 2 of 1930-1931

Plaintiff:- S. Narasinga Rao

V/S

Defendants:- 1. The Chief Secretary to the Government of Mysore.

2. The Deputy Commissioner, Mysore District

3. The Amildar, Yedatore Taluk

4. Abdul Rahiman alias Bapu Sab

J U D G M E N T

The suit was filed on 29-7-1929 in forma pauperis .

The written statements of the defendants 1 to 4 were filed on 22-12-1930. The plaintiff's reply statements were filed on 19-1-1931.

The Issues settled in the case are :-

(1) Did the suit land belong to the 4th defendant as pleaded by the plaintiff or is it property endowed to Sree Malleswara Devaru, as pleaded by defendants 1 to 3

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

2. Have the plaintiff and his predecessors in title been in possession of the land within twelve years from the date of Suit ?

3. Is the order of Muzrai commissioner excluding the plaintiff from possession and enjoyment of the suit land ultravires or illegal as pleaded by the plaintiff ?

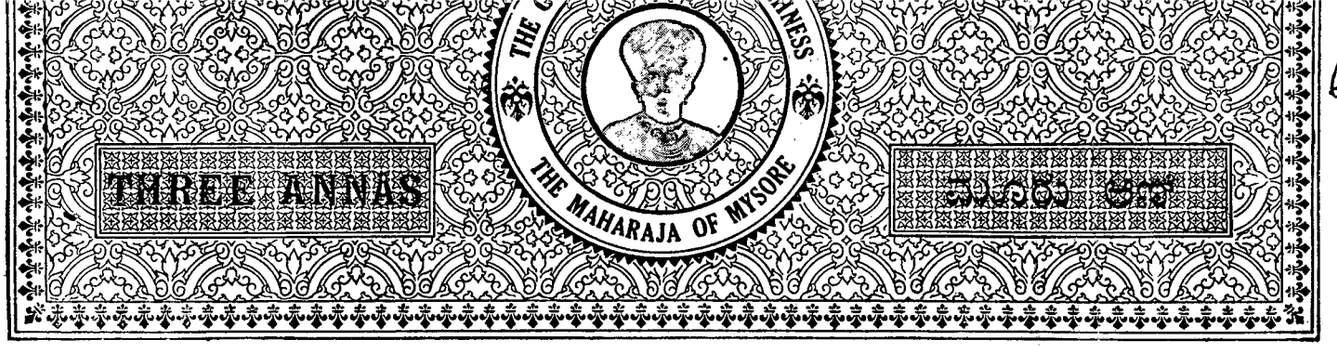
4. Are the alienations of the land by the temple poojaries in favour of the 4th defendant and the connected later proceedings in Original suit Number 21 of 1910-1911 etc., on the file of the Subordinate Judge, Mysore binding on the temple ?

5. Has the Sree Malleswara Temple been in adverse possession, as against the plaintiff ?

6. Is the period during of which the Muzrai inquiry lasted to be treated as adverse to the plaintiff for purposed of the above calculations ?

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



62

7. Is not the sale in favour of the plaintiff by the 4th defendant bonafide ?

8. In the event of the plaintiff's failure to recover the land, is he not entitled to obtain a refund of the purchase money together with interest thereon from the 4th defendant ?

9. Was the plaintiff aware of the claim of the said temple to the suit land at the time he purchased the property, and if so what is the effect of such knowledge on the relief specified in Issue Number 8 ?

10. (a) Is not Rs1500/- the price paid for the suit property as pleaded by the 4th defendant ?

(b) If not what was the actual price paid therefor ?

(c) Is the 4th defendant entitled to put forward such a contention ?

11. What is the amount of mesne profits, if any, to

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

63

to which the plaintiff would be entitled and for what period ?

12. To what relief if any, is the plaintiff entitled as against the defendants 1 to 3 and 4 respectively ?

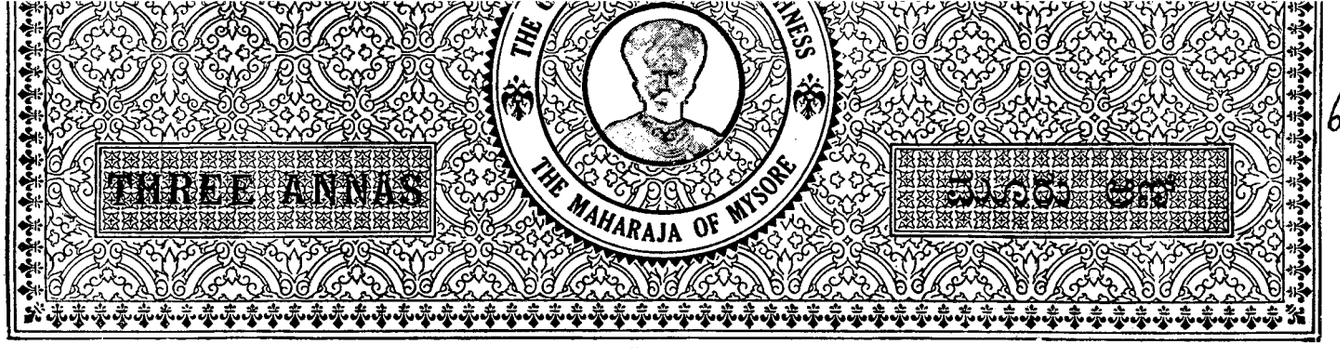
The suit came on for final hearing after adjournments to 10-10-1933

The list of witnesses examined and the documents admitted in evidence are appended.

1. The dispute relates to Survey Number 14 of Arjunahalli in Yedatore Taluk. The plaintiff's case as disclosed in the plaint, and reply is as follows :- The land was acquired by one Mari Gowda about the year 1860 by darakhasth and was in possession of himself and his decendents who are the Pujarees of the temple of - Malleswara in Arjunahalli. Maramma, her cousin brother Some Gowda and others had hypothecated the land in favour

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



64

favour of the fourth defendant's uncle Salar Mahamud. In execution of a decree obtained on a hypothecation deed in Original suit Number 21 of 1910-11 on the file of the Subordinate Judge, Mysore, —The fourth defendant purchased the land on 10-3-1913 and took delivery of it on 31-3-1913. The fourth defendant sold it to the plaintiff on 14-12-1919 for a sum of Rs 1500/- under the sale deed Exhibits ~~1 and 2~~ H 2. The fourth defendant guaranteed at the time of sale that he had a clear indisputable title to the property and that his predecessors in title had continuous, uninterpreted and exclusive possession and enjoyment of the land as owners thereof for a period of sixty years. But on the basis of a petition sent by the residents of Arjunahalli, the Amildar started an enquiry purporting to act under the Muzrai Regulation of 1913 and without any giving notice to the plaintiff kept the land under ~~and without~~ attachment and forcibly remained in possession

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

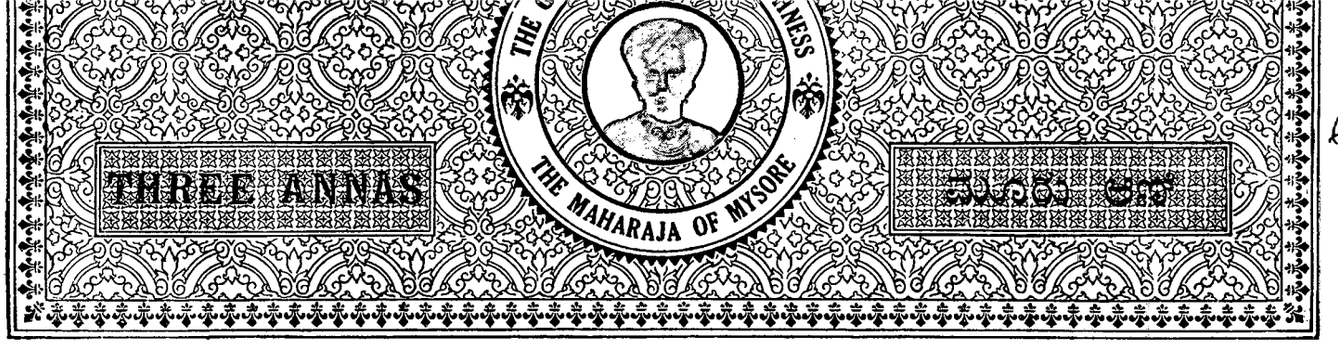
65

possession of the same and deprived the plaintiff the usufruct thereof. After a protracted enquiry the Deputy Commissioner ordered on 4-6-1926 that the land was not the Inam of the temple that the plaintiff was the owner of it and that he must be given possession of the land and its produce which had been realized till then. But Subsequently the execution of this order was stayed under the order of the Muzrai Commissioner who finally caused an endorsement to be sent to the plaintiff on 29-1-1929 to the effect that the plaintiff could not be given possession of the land as the temple had been continuously in possession of it and advising him to take legal steps if necessary. The copy of the order was not however granted to him in spite of several applications.

2. The plaintiff alleges that the land never belonged to the temple and was not recognised as its inam for

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



67

against the plaintiff. he would make ~~the~~ good the purchase money together with a reasonable interest.

4. The plaintiff alleges that the cause of action arose on 14-12-1919 when he purchased the land and on 29-1-1929 when he receive the final order of the Muzrai Commissioner.

5. He has filed the suit (a) for declaration that he is the owner entitled to the possession and enjoyment of the land, (B) for possession of the land, (c) for the gutta realized by the Government upto the date of suit amounting to Rs ~~2500~~/- 2250/- and (d) for mesne profits from the date of suit till the date of delivery of possession.

6. In the alternative he prays that in case he is held not entitled to the reliefs against the Government a decree may be granted against the fourth defendant for refund to him of the purchase money of Rs1500/- and

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

68

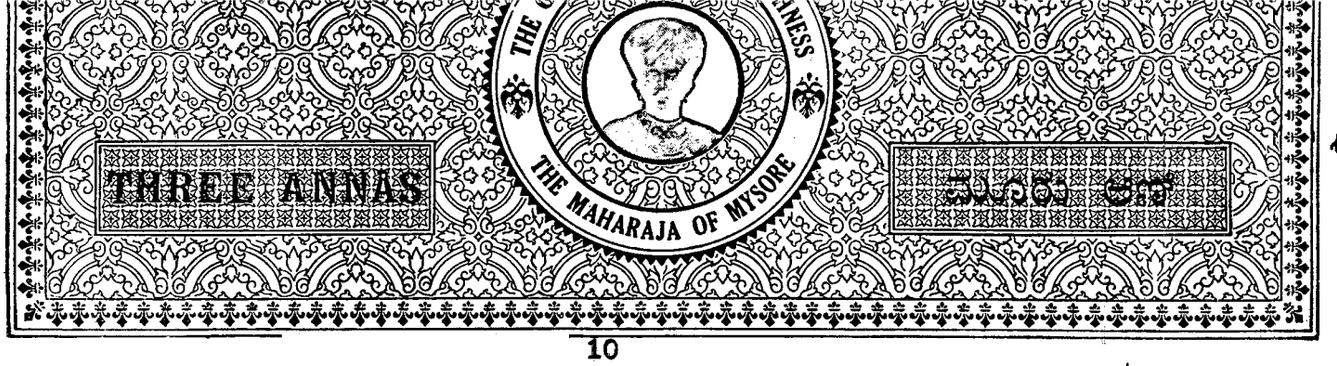
and interest there on .

7. Defendants 1 to 3 Amildar of Yedatore Taluk The Deputy Commissioner of Mysore, District and the Chief Secretary to the Government of Mysore plead as follows:-

(1) The defanednts do not admit the truth, Validity, bonafides anfd genuineness of the transaction of sale and purchase under which the plaintiff claims title to the Suit property. (11) From time immemorial the suit land was in the possession and enjoyment of Pujaree Basave Gowda and his ancestors for and on behalf of the temple of Malleswara of Arjunahalli village and was registered as "Whole grant Devadaya " . During the settlement operations of 1879 the Inam grant was declared invalid and the land was resumed and fully assessed. The khate which stood in the name of Malleswara Devaroo Pujaree Basave Gowda was made out after his death in the name

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

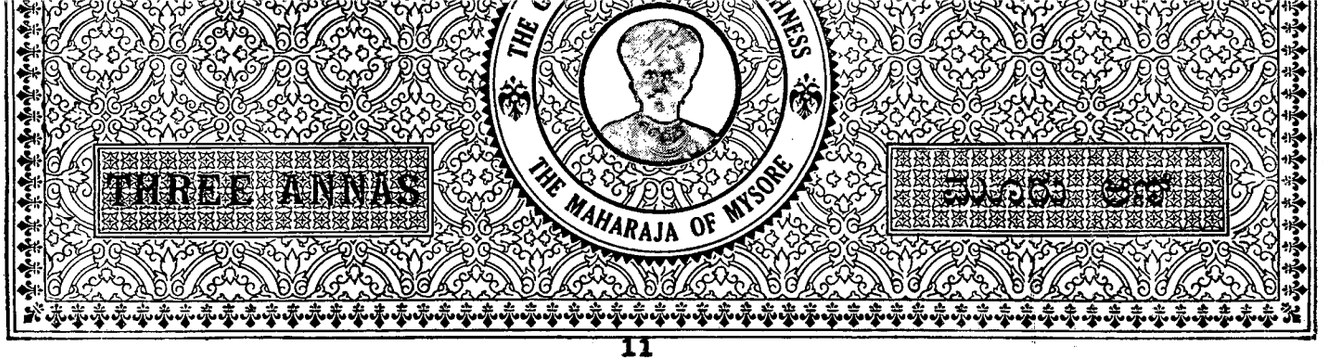


69

name of his son Some Gowda, but in 1908 according to Jamabandi officer's order, it was changed and made out in the name of the Diety Malleswara Devaroo. The Pujaree and his decendents continued to enjoy the land as Anuvan-vadarg and as Pujarees of the temple having acquiesced in the change of the Khate to the name of the Diety. On 3-2-1904 Some Gowda and his sister Mariamma hypothecated the suit land and their private lands to the fourth defendant's uncle and on 3-12-1910 the fourth defendant filed Original suit Number 21 of 1910-11 on the file of the Subordinate Judge, Mysore and purchased the land on 10-3-1913 in execution of the exparte decree obtained on 23-3-1911 but he did not get the actual possession of the suit land either at the time of the delivery through court or at any time afterwards. He was not allowed to enter upon the temple land by the inhabitants of Arjunahalli village

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



70

village who are the devotees of the temple. In March 1919 the Amildar took actual possession of the ~~Government~~ land and since then it has remained in the possession of the Government uninterpretedly on behalf of the temple. Neither the plaintiff nor his vendor has been in possession of the suit land since the date of the alleged delivery and the temple has been inadverse possession of the land for over ~~km~~ 12 years before the institution of the suit i.e. from 1908 when the khate was retransferred to its name.

(iii) Ever since 1919 the temple and the land have been under ~~the~~ the direct management of the Government that the land was not under cultivation from 1915 to 1919. In May 1911, the Taluk Amildar having come ot know of the wrongful alienation of the suit land by the poojaries in favour of the fourth defendant ordered an enquiry and issued notices to the Pujarees and the fourth defendant. The

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

The fourth defendant did not turn up till 31-8-1915 in spite of his ~~undertaking~~ undertaking on 12-9-1911 to appear at the enquiry and produce his title deeds in 15 days and in themeantime not enter upon the land. He agreed to be treated exparte if he failed to appear within 15 days. He purchased the land on 10-3-1913 when he was aware of the fact that the land belonged to the temple and was in its possession. He was notin possession of the land at the time of sale to the plaintiff or at any time previous to it. The decree passed in Original suit Number 21 of 1910-1911 and subsequent execution and Miscellaneous proceedings and the sale in favour of the plaintiff did not bind the Government or affect the rights of the temple over the suit land.

(iv) In 1920, one Puttachari of Mysore claiming to be the purchaser of the suit land from the fourth defendant petitioned to the Government that he was entitled

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

defendant petitioned to the Government that he was entitled
to be the purchaser of the suit land from the fourth
(iv) In 1920, one Buttenhant of Ipoyo claiming
privos the rights of the temple over the suit land.
favour of the plaintiff did not bind the Government or
construction and Improvement Proceedings and to make it
in Original Suit Number 17 of 1[illegible] and Miscellaneous
Journals Volume [illegible] Page 16. Also account stated
[illegible] Volume [illegible] Page 16.

THREE ANNAS
THE MAHARAJA OF MYSORE

entitled to the suit land. The Deputy Commissioner decided in favour of the plaintiff but the Muzrai commissioner and the Government over-ruled the decision of the Deputy Commissioner and finally dismissed the claim of the plaintiff to recover possession of the suit land.

(v) The cause of action for the plaintiff must have arisen on 10-3-1913 when the sale in favour of the fourth defendant was confirmed and that therefore the suit filed 12 years thereafter is barred under articles 142 and 144 of the Mysore Limitation Regulation.

(vi) The notice issued to the first defendant is neither proper nor sufficient as required by section 80 of the Civil procedure Code .

(vii) these defendants are not in possession of any money held in deposit for the plaintiff. The amount deposited on behalf of the temple is not liable to be

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

73

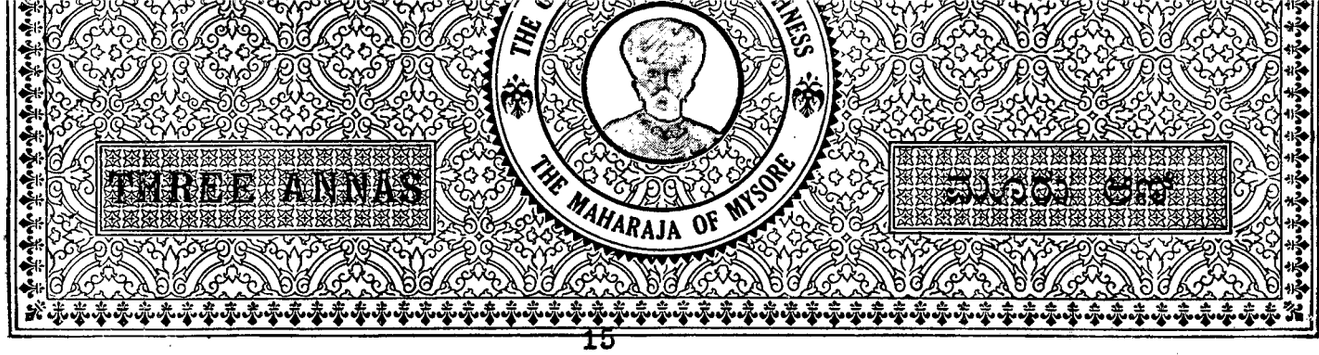
be claimed by the plaintiff and in any case the plaintiff is not entitled to claim more than three years' mesne profits at reasonable rates.

(viii) The plaint is not clear whether the suit is filed for ejectment or for cancellation of the order passed by the Muzrai Commissioner under Section 19 of the Muzrai Regulation . Itis also not clear, wny the Amildar Deputy Commissioner and the Chief secretary to Government of Mysore are all impleaded as defendants.

8. The plaintiff replied to it, alleging that the land was acquired by Mari Gowda in 1860, that he was in possession of it on his own behalf, that Basave Gowda and his ancestors were not in possession of it on behalf of the Temple, but were in possession of it on their behalf thatit was fully assessed in the settlement of 1879 that the change of khate to the name of the Diety in 1908 was uncalled for the ultra vires having been made without any

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



any enquiry and that some Gowda did not subsequently protest against it, being involved in litigation that the Amildar mad maden no enquiries in 1911 or 1915 that therefore the order of the Muzrai Commissioner passed on its basis is irregular illegal and ultra vires that the suit is not barred since the fourth defendant had got actual possession of it and was subsequently dispossessed by the Amildar and since the plaintiff himself was given possession of it as per the order of the Deputy Commissioner in the year 1926, that the notice issued by him is quite proper and that the gutta was held by the Government on trust on his behalf and therefore he is entitled to recover it in full.

9. The fourth defendant pleads

(1). that he did not separately sell the suit land to the plaintiff for Rs1500/- but that he sold the suit lands and otherlands for a sum of Rs3500/- but that as the

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

the required stamp paper was not available a seperate was executed for the suit land for a sum of Rs1500/- as the value of the stamp paper that was available could cover only that amount.

(ii) that the plaintiff was fully aware of the claim put forward by the other defendants and agreed to fight it out himself and therefore got the properties for a low price and that he did not agree to reimburse the plaintiff in case he did not succed against the Government.

(iii). that the claim of the plaintiff is barred against him.

(iv). thathe is not a necessary party to the suit and

(v). that he is not liable to pay interest and theinterest claimed is excessive

10. The plaintiffin effect denied these allegations

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

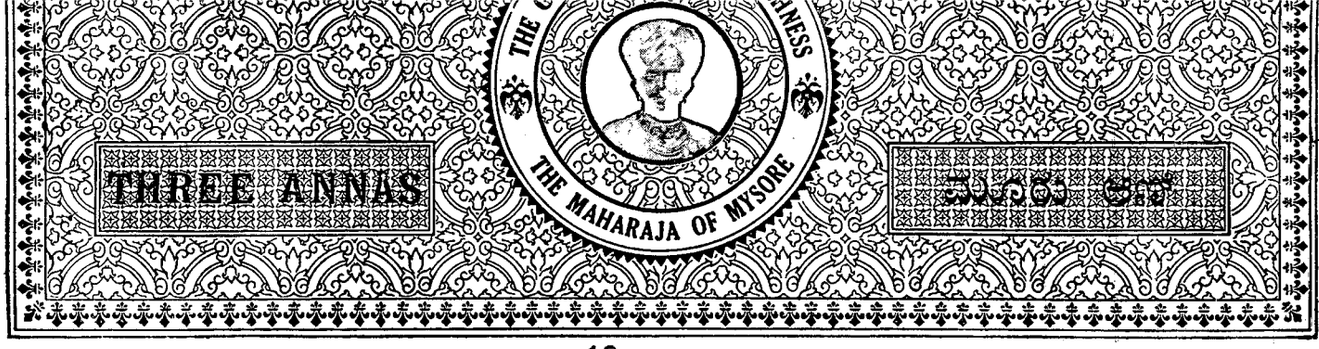
allegations made by the fourth defendant and adds that the fourth defendant who got a hypothecation of the suit lands and other lands from the plaintiff assigned it in favour of one Sivarama Setty after the Muzrai Commissioner passed the order referred to above and set him up to file Originasl suit Number 66 of 1929-1930 on the file of the Subordinate Judge, Mysore.

11. Issues Numbers 1 and 4 may be conveniently considered together. It is alleged by the plaintiff that the suit land had been acquired by Marigowda, Pujaree of the temple of Malleswara in Arjunahalli in a darakhasth about the year 1860 for himself, while it is claimed by defendants 1 to 3 that it is an Inam land belonged to the temple and was in the enjoyment of its Poojaries.

12. The plaintiff has not produced any dakhalas to prove that the land was acquired by Marigowda in a darakasth

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



77

darakasth. The plaintiff however summoned for the darakhasth register of the years 1860-1865 and the third defendant produced a memo saying that they had been destroyed.

13. The defendants 1 to 3 too have not produced any documentary evidence to prove that the land had been gifted to the temple by any one. It cannot be an inam granted by the Government for there is no sannad to prove it. The Government should have been in possession of the documents to prove the grant of the land. The inam register Exhibit N doesnot contain an entry showing that the land was granted as inam to the temple and the endorsement Exhibit U ~~was~~ given by the Inam Commissioner on 29-6-1920 proves beyond doubt that it is not in inam ~~gifted~~ granted by the Government and recognized as such.

14. Therefore the question has to be decided with reference to the other evidence adduced in the case.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

15. It is seen from the Khatwar Patrike of 1873-74 i.e. Exhibit IX(a) that the Khate of the suit land whose maji munber was 75 stood in the name of Malleswara Devaru Pojari Basave Gowda i.e. in the name of the temple represented by Poojari Basave Gowda in accordence with the provisions of the Government Order Number 5703-10/1013 dated 7-1-1881 vide page 77 of the Muzarai Manual. It is seen from Exhibit HH(Copy of the register of Inams) that it was described as Inam " For the support of the temple of Malle-Swara Devaru which is said to be in good order and Pooje rendered daily " and the land was in the Khate of Malle-Swara Devar Poojari Basave Gowda and was assessed at Rs 1-7-4. But on 25-3-1879 the assistant Superintendent of Inam settlement declared the grant to be invalid and passed the following order. " The whole grant devadya invalid. To be resumed and fully assessed ". This order was confirmed

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

was confirmed by the Superintendent of Inam settlement on 28-6-1880. Exhibit V another copy of the Inam Register also prove the same facts.

16. It is now contended by the learned counsel for the plaintiff that in order to escape payment of full assessment it had been made out that that was Inam and that the epithet Malleswara Devar given before Poojari Basava in Exhibit HH, is only a descriptive term and that it does not prove that the land belonged to the temple . But in column Number 8, it is clearly described that the land had been granted for the support of Malleswara Devar temple and therefore this consideration cannot be accepted. As evidently a Sannad was not produced the Inam Commissioner ~~xxxxxxx~~ ~~refused~~ revised it decalred the grant to be invalid. It might be that in order to escape payment of full assessment the land had been represented to be an inam granted by the

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

by the Government. but that fact in itself cannot prove that the land did not belong to the temple; for it might be a land given as Inam by the private Indivigual. It becomes clear from Exhibit HH, that the land belonged to the temple itself and that Poojaree Basave Gowda was only in possession of it on behalf of the temple.

17. Taking advantage of the fact of his possession and the fact that the Inam was resumed , Basave Gowda got the Khate changed to his name as is evidenced by Exhibit AA and the khate was changed to the name of his son Some Gowda as is evidenced by Exhibit AA 1, Subsequently in 1905-1906 It was contended that the Taluk authorities would not have allowed the change of Khata to be made out in the name of Basave Gowda and then to the name of Some Gowda, if the land had belonged to the temple . But at that time the Government had no interest in the temple and nobody

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

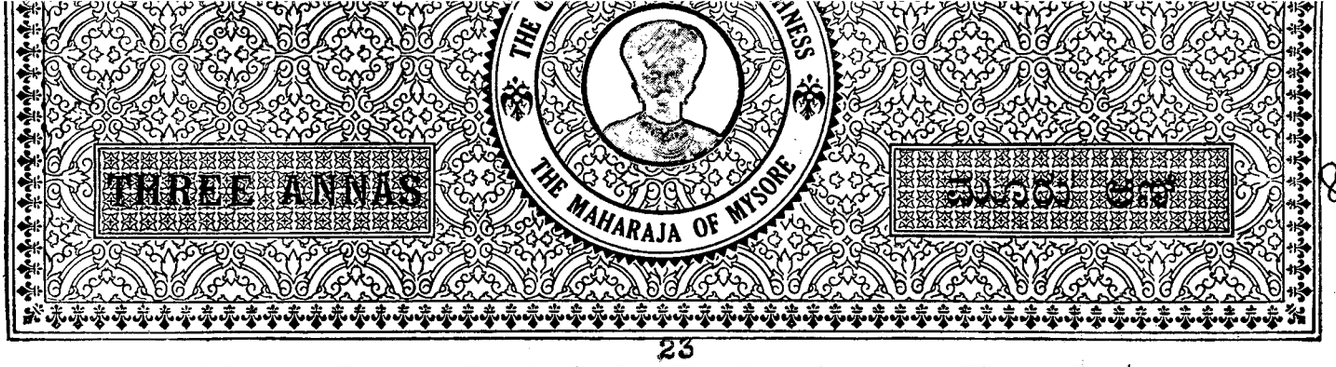
Copy ready on the	Copy delivered on the	Copied by	Examined by

81

nobody seems to have cared to prove the Khata being made out in the name of Basave Gowda. But in the year 1908 the khata was again made out in the name of the Diety as is evidenced by Exhibit I, Namtubdil list. The particular portion relating to it is marked as I(a). The change of Khate was no doubt made out after it was hypothecated in favour of Salar Sab, the uncle of the 4th defendant for Rs 1,500/-. The villagers must have come to know of the change of Khate only after the hypothecation was made and then must have raised the objection. In persuance of this objection the khata was evidently transferred to the name of the Diety. The mere fact that Basave Gowda taking advantage of his possession get the khata made out in his own name and that it was transferred to the name of his son and that it stood in his own name till 1908 cannot prove his title to the land.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

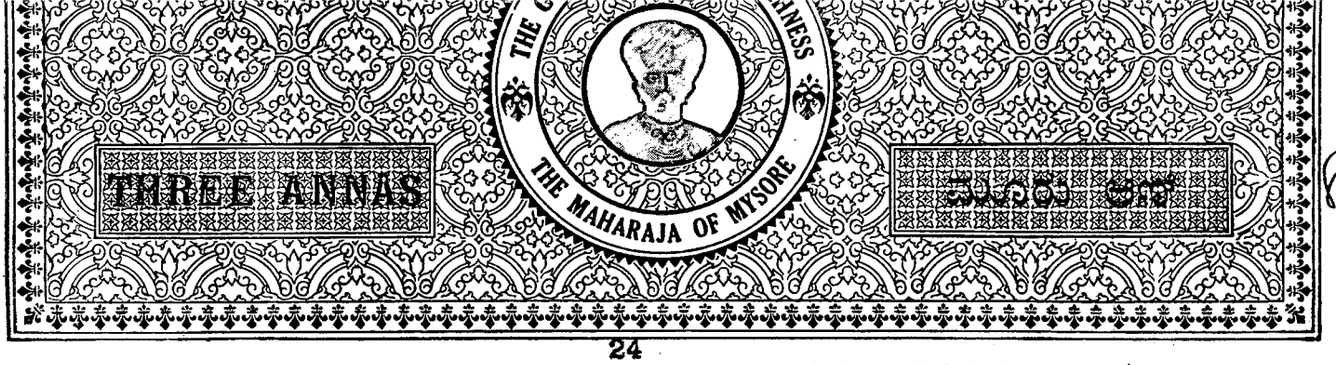


82

18. Basave Gowda had a brother by name Gowre Gowda. Mariamma is the daughter of Gowre Gowda. She succeeded to the Poojarishipp of the temple in question after her father died. She filed Original suit Number 281 of 1882 on the file of the Sub Division Munsiff of Hunsur against Basave Gowda and got possession of the suit land in 1882. Vide Exhibit XV to XV (c). She hypothecated the land and owners in favour of Salar Masood Sab, under Exhibit B dated 12-6-1900. Again herself and her son-in-law Some Gowda, a son of Basave Gowda hypothecated the suit land and others in favour of Salar Sab under Exhibit B(1) dated 3-7-1900 . The debts are alleged to have been incurred for payment of contribution to Government for converting the dry land into wet, to pay arrears of kandayam and other purposes. This Mariamma, Some Gowda and his sons mortgaged the lands to P.W.1 Suryanarayana Setty under Exhibit

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



R3

Exhibit A dated 5-11-1902 and discharged the debt due to Salar Sab. But the lands were again hypothecated to Salar Sab, under Exhibit A 4 dated 3-2-1904 when the debt due to PW 1 was discharged. Exhibit A 4 was executed by Mariamma her sons and Some Gowda who besides being her uncle's son was her son-in-law. In Exhibit B it is recited that the suit land had fallen to the share of Mariyamma's father in a partition between him and his brother and that it was in her possession and enjoyment. Evidently as her father became the Poojaree of Malleswara Temple the land which belonged to it was given to his share. Now it is seen that the Khate of the land was got transferred to the name of Basave Gowda after the Inam was resumed in 1879. As the Khate stood in the name of Basave Gowda it was evidently transferred to the name of his son Some Gowda after he died . But Mariyamma filed the suit Original suit Number 281 of 1882 and got

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

84

got a consent decree in it on 20-9-1882 as is evidenced by Exhibit XV(c). From that date she must have been in possession of that land. Taking advantage of it she had created the emcumbrance under Exhibits B, B 1, A, A 4. But they cannot create any right in her favour for she must be held to have been in possession of the land on behalf of the temple.

19. The very description of the property contained in the razinama, filed in the suit Original Suit Number 281 of 1882 and the Judgment shows that the land belongs to the temple and not to the Poojaree. In Exhibit XV(a) which is a copy of the Razinama the land is styled as Malleswara Devara Inamathi ~~Devar~~ hola. In the Judgment also the land is described as Malleswara Devara hola Vide Exhibit XV(c). Therefore these document is conclusively prove that the land belongs to the temple itself.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

85

20. On the basis of a sale ordered for the recovery of the arrears of kandayam it was argued that the land cannot be the inam to the temple , as the land was in possession of Mariyamma and her sons it was brought for sale for the recovery of arrears of kandayam. It was forfeited in 1902 and also in 1906 as is evidenced by Exhibits A and DD. After the land was forefeited in 1906, Jaffer Sab son of Masood Salar tendered the arreared of kandayam and he was then advised to have his name entered in a special register Vide Exhibit DD dated 19-7-1906 and his name was subsequently entered in the special register as is evidenced by Exhibit AA 3. In came of default of payment of kandayam for a land granted as inam to the temple the revenue authorities could proceed against the personal properties of the Poojaree usually. But the Taluk authorities without knowing of the right of the temple have evidently proceeded in the usual course

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

course as in the case of a private holding . This procedure adopted by the taluk authorities cannot prove that the land did not belong to the temple. The Shanbogue Ranga Rao no doubt could have informed the authorities of it but he might have been influenced by other considerations.

21. Then the 4th defendant filed Original Suit No. 21 of 1910-11 in the Subordinate Judge's court, Mysore against Marigamma and others for the recovery of the hypothecated amount, and obtained a decree in it and in execution of the decree obtained in it, the sale was ordered to took place on 6-8-1912. Then on 26-7-1912 Shanbogue Ranga Rao made the report Exhibit VII to the Amildar informing him of the sale and of the fact that the land belonged to the temple. Even before this, the Khata had been made out in the name of the temple in 1908 as already pointed out. The sale was however held on 10-3-1913 and the 4th defendant

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

defendant purchased it. The land is also alleged to have been delivered to the 4th defendant and he gave the receipt Exhibit S for taking delivery of it on 31-3-1913. He is also stated to have paid kandayam subsequently. Q1, Q2 and Q3 show that he paid kandayam on 24-3-1915 2-5-14 and 19-7-1916. But it is not proved that he got actual possession of the land. I will refer to this point later on. It must be point out that the mere fact that he bought the land and got delivery of it cannot prove his title to the property since Mariyamma herself had no title to it.

22. Now I shall proceed to consider the oral evidence adduced in the case. The plaintiff examined 10 witnesses on his behalf. Of these P.W.1 has deposed that the land had been mortgaged to him under Exhibit A on 5-11-02 and that he was in possession of it for one year. He had then leased it through P.W.2 Ranga Setty. Mariyamma was in

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

in possession of the land on behalf of the temple, and as mortgagee she might have been in possession of the land for one year as no one questioned it then. This was long before the sale in favour of the 4th defendant and this fact cannot help the plaintiff in anyway,

23. P.W.6 Shanbogue Venkata Rao has deposed that the land is fully assessed, that when the khata was made out in the name of the temple, Basave Gowda's sons were not present, that the land was fully assessed in 1879 is an admitted fact. When the khate was retransferred to the name of the temple it was Mariyamma that was in possession of the land. No notice appears to have been given to her about the change of Khate evidently as she was not the Khatedar, Basave Gowda had died before 1905 as is evidence by Exhibit AA1 and his sons had no interest in the land at the time of the change of Khate. No doubt Mariyamma

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

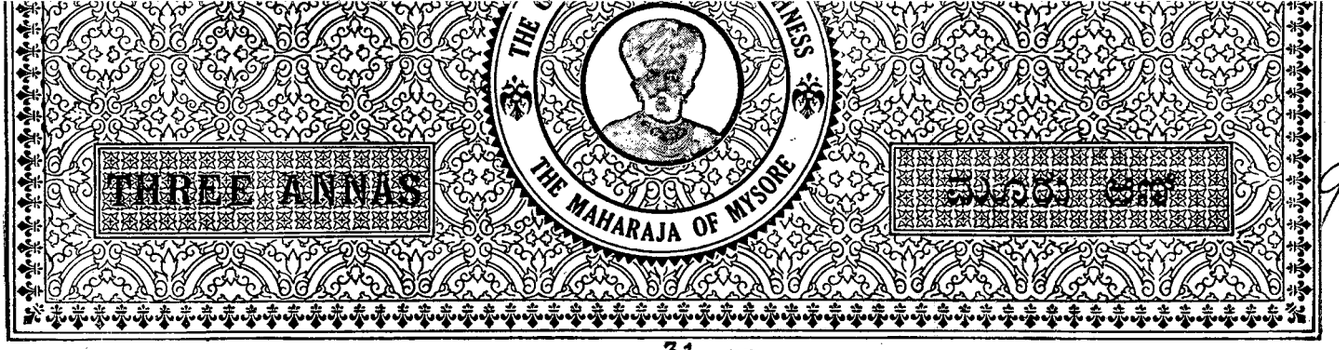
Mariayamma might have objected to the change of khate if she had notice of it. But the khata was retransferred to the name of the temple as it was found out that it had been surreptitiously got transferred to the name of Basave Gowda in perduence of G.O. 11771-81 R.1774 dated 29-1-1895. Therefore it would not have mattered whether she objected to it or not. P.W.& 7 patel Basappa has supported the case for the temple rather than the case for the plaintiff. His daughter was recently married to a son of Appaji who is a son or Mariyamma. Now that Mariyamma's sons are supporting the case of defendants 1 to 3, it is likely that he failed to support the case for the plaintiff.

24. These are the only witnesses examined to prove that the land belonged to Mariyamma and her ancestors and their evidence does not prove this fact.

25. On the other hand there is the evidence of the

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



the defendant's witnesses Numbers 2 and 5 to prove that the land belongs to the temple.

26. D.W.2 Appajayya is the second son of Mariyamma He has deposed that the temple is in the land itself and that the land belongs to the temple. He had no doubt executed Exhibit A1 and A4 jointly with his mother in favour of P.W.1.Suryanarayana Setty and Md. Salar Sab, and after the mortgage in favour of P.W.1 he himself took lease of the land from P.W.2 as a sub lessee and executed Exhibit D in his favour. But the mere fact that he joined his mother in ~~using~~ raising the loan does not prove that they hypothecated it as their own property . Having taken advantage of their being poojarees of the temple they must have managed to raise loans on it. He was also a party in the suit filed by the 4th defendant. He says that the suit land and two other lands hypothecated Under Exhibit A4 were not delivered to the

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

the possession of the 4th defendant. D.W.3 Mallappa is the grandson of Mariyamma being the son of her son Subbayya He has been the Poojaree of the temple from the time of his father and he has taken lease of the land after the Government took management of the temple. He also says that that the temple is in the land itself and that the land belongs to the temple.

27. D.W.4 Javare Gowda, one of the Dharmadarsies of the temple, and D.W.5 Jeme Gowda who is a respectable ryot paying a kandayam of Rs200/- have also deposed that the land belongs to the temple.

28. The evidence of these witnesses is supported by the documentary evidence especially Exhibit HH and XV series. Now it has been found that there is no evidence to prove that the land had been acquired by Mari Gowda by a darakasth in 1860. The documentary evidence adduced in

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

conversion of the dry land into wet. (3). The sale of the land for the recovery of arrears of kandayam and (4) the entry of the name of the 4th defendant in the special register after the sale was cancelled on his paying the arrears. (5) the Change of khate to the name of Basave Gowda and then to Some Gowda and (6) the alienations made by Mariyamma and her sons treating the properties their own (7) the acquisition of the revenue authorities in Basave Gowda and Marivamma treating the property as their own are points in favour of the plaintiff to prove that the land does not belong to the temple.

30. But as already pointed out, the land was fully assessed as it was not an inam granted by the Government and the temple was not a Muzarai institution. The Revenue authorities must have adopted the procedure prescribed for the recovery of arrears of kandayam and contribution amount as if the land did not belong to the temple , under the wrong impression that the land belonged to the poojarees since the

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE
SAMPLE ONLY

the khate had been made out in the name of Basave Gowda and Some Gowda and Mariyamma had created encumbrances on it. They were evidently misled by the fact of possession. As the temple was not a Muzarai institution and it is not under the management of the Government ~~of the Government~~ then the Revenue authorities did not scrutinize into the matter and proceeded on the Prima-facie evidence of possession. Their conduct cannot affect the question of the right of the temple to the land. The khate stood in the name of the temple originally as is evidenced by Exhibit HH, but after the land was resumed Basave Gowda managed to get it made out in his own name. As per Government proceedings No. 5703-10-1013 dated 7-1-1881 tha pattas of Inam lands of temples resumed should be issued in the name of the recognised managers of such temples or where there were no managers other than the Poojarees, in the name of poojarees, they being styled

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

95

being styled the poojarees or the managers to indicate that they hold the land in trust for the temples and not in their own individual rights. Taking advantage of it Basave Gowda evidently managed to get the patta made out in his own name without being styled as the Poojaree. This Government order was subsequently changed on 19-1-1895 as instances had come to the notice of the Government in which pattas of land belonging to temples had been issued in the personal names of the poojarees who taking advantage of the same had alienated them for private benefit. The Government order that the pattas of temple lands should be issued in the names of the temples themselves Vide pages 77 and 78 of the Muzarai Manual Evidently in pursuance of this order the Jamabandi officer made out the khate in the name of the temple itself in the year 1908. But as the temple was not under the management of the Government nobody objected to Mariyamma

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE

Mariyamma and her sons making the alienations.

31. Therefore the contentions of the learned counsel for the plaintiff cannot be accepted.

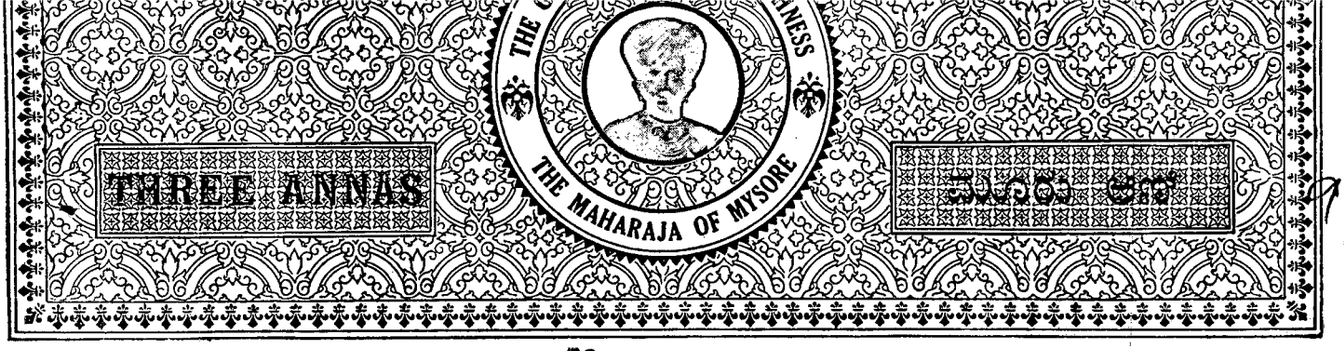
32. For the above reasons, I hold that the land belongs to the temple and that Mariyamma and her predecessors were only enjoying it as poojarees of the temple and that therefore they had no right to mortgage it in favour of the 4th defendant's uncle. It therefore follows that the decree and the execution proceedings are not binding on the temple and the delivery is not effective as against the temple.

33. I shall now come to the question of adverse possession.

34. Now it is seen that Basave Gowda and then Mariyamma were in possession of the land only as poojarees of the temple and on its behalf. Therefore their possession

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

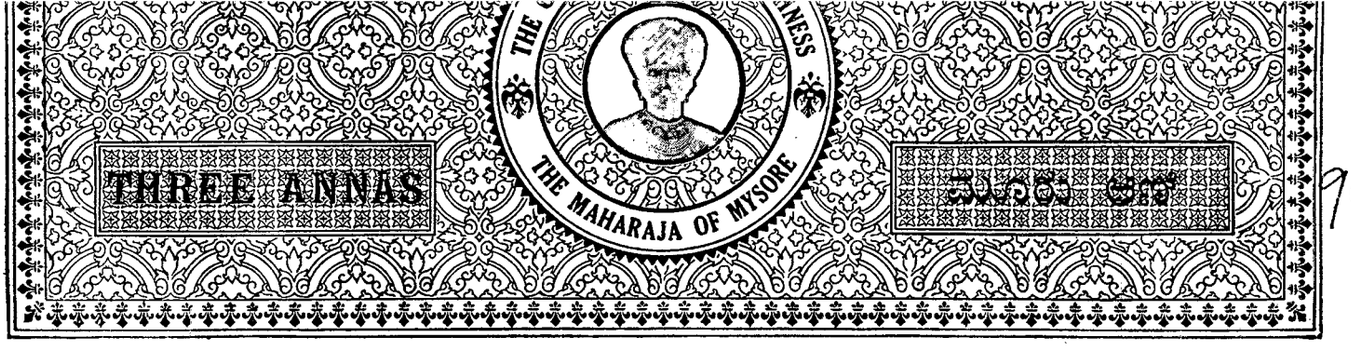
Copy ready on the	Copy delivered on the	Copied by	Examined by



possession was not adverse to the temple. They mortgaged the property in favour of P.W.1 under Exhibit A in 5-11-1902 and P.W.1 was in possession of it for about a year and received the rent from P.W.2 for that one year. But he was only in possession ~~of the land~~ as the mortgagee and his possession was not adverse to that of the temple. Then the fourth defendant purchased the land on 10-3-1913 in execution of the decree obtained in original suit No.21 of 1910-1911 on the file of the Subordinate Judge of Mysore and it is stated that he was given of the land along with others on 31-3-1913. The receipt Exhibit S granted by him is produced to prove it. But the fourth defendant whuld not step into the box and he was not examined as a witness even by the plaintiff. The only witness examined to prove the delivery Viz. plaintiff's witness 7 Patel Nanjappa has not supported the case of the plaintiff. He

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



98

He says that the delivery receipt was written on a pial of the village and that ewen after the date of Exhibit S the Poojarees continued to cultivate the land and not the fourth defendant. No doubt as already pointed out he is interested in the Poojarees being in possession of the land but the plaintiff has not examined any other witness who has attested Exhibit S to prove the actual delivery. A wrong person by name Krishnappa was summoned as the person who gave the delivery to the fourth defendant and was examined as plaintiff's witness Number 9. But the Amin who actually gave the delivery was not summoned for and examined.

35. Then P.W.3 Lingamma was examined to prove that he had taken lease of the land from the fourth defendant. The lease deeds Exhibits F and G. are alleged to have been executed by him. He denies having executed the unstamped lease chit Exhibit F dated 3-6-1914 but admits having exe-

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE
SERGI SEF

99

executed the registered lease deed Exhibit G dated 10-7-1913 in favour of Khader Sheriff who had taken lease of it from the fourth defendant, under Exhibit P dated 5-5-1913. He does not remember how much rent he paid to his land lord. He admitted in his cross Examination that he only nominally executed the lease deed and that his son-in-law Subbe Gowda a son of Mariyamma was cultivating the land. He also admits that the Poojarees continued to cultivate the land after the lease for one year expired in his favour i.e. from the year 1914. It is likely that the fourth defendant managed to get the deed executed in order to create a right in his favour. Subbe Gowda who actually cultivated the land is not examined. The fourth defendant should have been examined him to prove this lease, from the mere fact of the execution of Exhibit G by P.W.3, I cannot conclude that the fourth defendant was in actual possession of the land even

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
THE MAHARAJA OF MYSORE
ಮೂರು ಆಣೆ

even in the year 1918 . The fourth defendant no doubt, sent the kandayam for the years 1913-1914 by money order as is evidenced by Exhibits Q1 and Q2. He also paid the kandayam for 1915-16 as is evidenced by Exhibit Q3. But the fact of his sending the money order shows that the kandayam must have been refused to be received from him. Evidently having taken paper delivery he tried to create evidence of possession in his favour by getting Exhibit G executed and by sending the kandayam by money Order. Having failed to get actual possession he evidently stopped paying kandayam subsequently. He could not have been in possession of the land ~~given~~ even from 1913 to 1915, but on account of disputes it must have been lying uncultivated.

36. The villagers who had petitioned to the authorities about the hypothecation made by Mariyamma and who had got the Khate retransferred in 1908 as per Exhibit I(a) would not have allowed the fourth defendant to take possession of the land.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

101

They petitioned to the then Amildar complaining that he was attempting to take possession repeatedly and Exhibit A(before the Commissioner) is one of such petitions dated 30-8-1915 and on the basis of it an enquiry was made by the Amildar in 1915 which led to the Government taking over the management of the temple and its land subsequently in 1919.

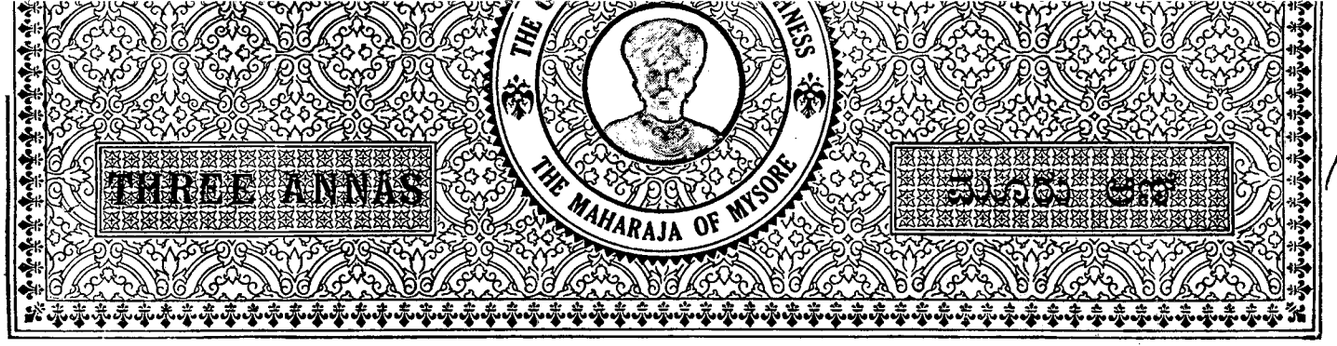
37. For these reasons I hold that it is not proved that the fourth defendant got actual possession of the land on 31-3-1913 and was not in possession of it subsequently.

38. The then the Amildar Mr. G. Narayana Rao who is Examined on commission held an enquiry and submitted the report marked Exhibit VIII, before the commissioner. On its basis the Government took over the management is not clear from the records. It was however before 15-5-1919 as the Government leased out the land on that date as is evidenced by Exhibit XXI

39. But the fourth defendant sold the suit item

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



102

item and other lands which he had purchased, to the plaintiff on 14-12-1919 under Exhibit P2 and the plaintiff and his father-in-law Putta Chari sent a number of petitions to the Muzarai authorities and on their basis the Deputy Commissioner passed the order Exhibit W on 4-6-1926, directing that the plaintiff should be given possession of the land. The plaintiff alleges that in accordence with this order he was given possession of the land. The plaintiff alleges that in accordence with this order he was given possession on 29-9-1926. He has produced the copy of the delivery receipt Exhibit R granted by his son-in-law, P.W.10 Vittala Murti Rao for having taken delivery of the land, but the officer who gave the delivery is not examined to prove that actual possession was given nor is any person that attested the receipt examined to prove it. After the refund bill with the letter Exhibit X was submitted by the Deputy Commissioner to the Muzarai ~~Commissioner~~ commissioner on 12-10-1926, the Muzarai Commi-

Copy applied for n the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS THE MAHARAJA OF MYSORE 103

Muzaria Commissioner directed the stay of the execution of the order passed by the Deputy Commissioner So an endorsement Exhibit 00 was issued to the plaintiff by the Deputy Commissioner on 26-11-1926 The plaintiff says that he was in possession of the land for about three months. If he had been really beem in actual possession he should have either received rent from the tenant or get a lease deed executed by him. He should have got only paper delivery on the date of Exhibit R and not actual possession. It is therefore clear that neither the fourth defendant nor the plaintiff was ever in actual possession of the land..

40. The fourth defendant's right etc possession commenced in March 1913. The suit was filed on 29-7-1929 and therefore it is barred by adverse possession in any case. Even if the fourth defendant was in possession of the land till 1914 i.e. till after the expiry of the period of lease under Exhibit G, the suit would still be still barred as P.W.3 himself says that the poojaries

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

104

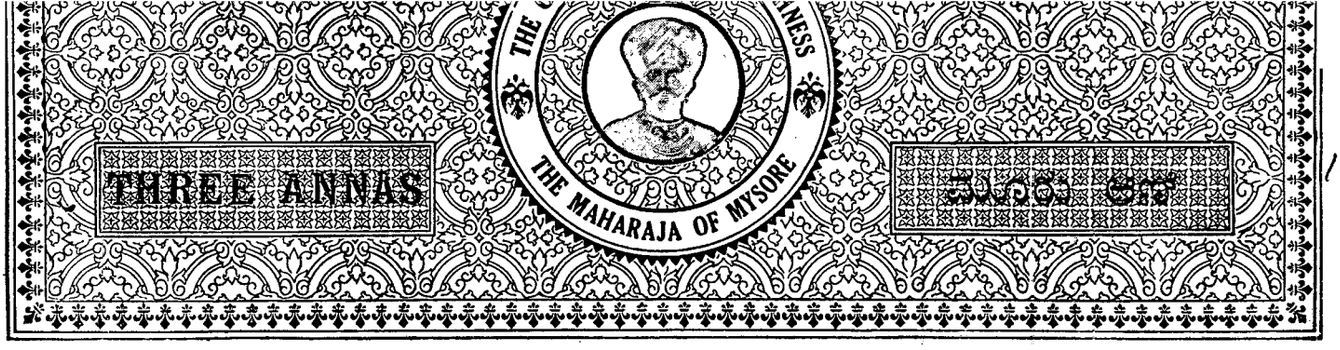
continued to be in possession of the land after the lease in his favour terminated. But as already pointed out, he was not in possession at all and therefore even by the time the plaintiff alleged to have got possession temporarily on 29-9-1926 the temple had by then acquired right by adverse possession as against the fourth defendant. Therefore the temporary possession of the plaintiff, even if true , for about three months from 29-9-1926, does not affect the question.

41. Therefore Issue-s Numbers 2 and 5 have to be found against the plaintiff.

42. As I have held that the land itself belongs to the temple the question of its adverse possession is not very material so far as the temple is concerned. If the plaintiff had succeeded in proving that his predecessors had acquired a right by adverse possession he could have succeeded but even assuming that the fourth defendant was in possession from 1913 to 1916 (on the basis ufx&x

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



105

basis of Q1 and Q3) he cannot succeed, for subsequent to 1916, at any rate, he is not proved to have been in possession. The plaintiff admits that the fourth defendant could not give him possession on the date of sale in his favour as the Government had taken possessionof it, in May 1919. Before the Government took possession of it, the land was in possession of the poojarees , on behalf of the temple and was lying fallow for some years.

43. Therefore I hold that the fourth defendant has not acquired title to the land by adverse possession and therefore the plaintiff cannot succeed on that basis.

44. It was contended that the period during which the matter was pending before the Muzarai Authorities must be counted in favour of the plaintiff. But no authorities were produced to show that section 14 of the limitation Regulation can be made applicable to cases of this kind. Therefore I found issue Number 6 against the plaintiff.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

106

45. I shall now proceed to consider issue Number 3 Viz is the order of the Muzarai commissionr excluding the plaintiff from possession and enjoyment of the suit land ultra vires or illegal as pleaded by the plaintiffs ? As has already been held the land belonged to the temple and its khate was in the name of the temple. But after the inam was resumed in 1889 when it was converted into wet, Poojaree Basave Gowda managed to get the Khate transferred in his name. But in 1908 the khate was re-transferred in the name of the temple as is evidenced by Exhibit I(a). This was done since the villagers objected to Mariyamma and her sons createing hypothecations on the land, Then when the land was brought the sale in execution of the decree passed in Original suit Number 21 of 1910-1911. The shanbogue sent the report Exhibit VII to the Amildar on 26-7-1912 requesting him to take action to prevent the sale being held. The Amildar sent the report Exhibit KK to the Sub Division Officer on 27-7-1912 but when the matter was under enquiry the court sold

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

sold the property on 10-3-1913 and the fourth defendant purchased it. When he tried to take possession of ~~it~~ the land the villagers objected to it and sent the petitions to the Revenue authorities On the basis of the petition Exhibit A (before the Commissioner) Sent on 30-8-1915 by the villagers the then Amildar Mr. Narayana Rao (examined on commission) held an enquiry and submitted the report Exhibit VIII (before the commissioner) to the Sub Division officer. He recorded the statements of some of the villagers. Of these Exhibit JJ is the statement of D.W.2 Appajee Gowda. Exhibit VII(a) before the commissioner is the statement of the fourth defendant given on 31-8-1915. It was contended that Exhibit VII(a) is not proved to be the statement given by the fourth defendant as he was not examined in court and that some mistakes in it show that he could not have given the statement. He has no doubt made a mistake as regards the extent of the land and the date of hypothecation as 3-2-1914 instead of 3-2-1904. These mistakes were evidently

in favour of his uncle. He has given the date of hypothecation

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the -	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

evidently due to failure of memory . Mr. Narayana Rao has deposed to having recorded this statement. According to this statement he undertook to produce his title deeds before the Amildar in 15 days of the date of Exhibit VII(a) but failed to produce them.

46. After the Amildar submitted the report Exhibit VIII(before the commissioner) to the Sub Division officer the land was taken under the management of the Government and it was leased out on 15-5-1919 to Basappa who was the highest bidder , as is evidenced by the sale list Exhibit XXIV and this sale was confirmed by the Sub Division Officer The next five year's lease was sold by auction on ~~31-3-1925~~ 31-3-1920 as is evidenced by Exhibit XXV. But the Sub Divisioner officer on an application filed by the plaintiff considered to bid to be low and referred the matter to the Amildar for report not only on the question of the adequacy of rent,

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

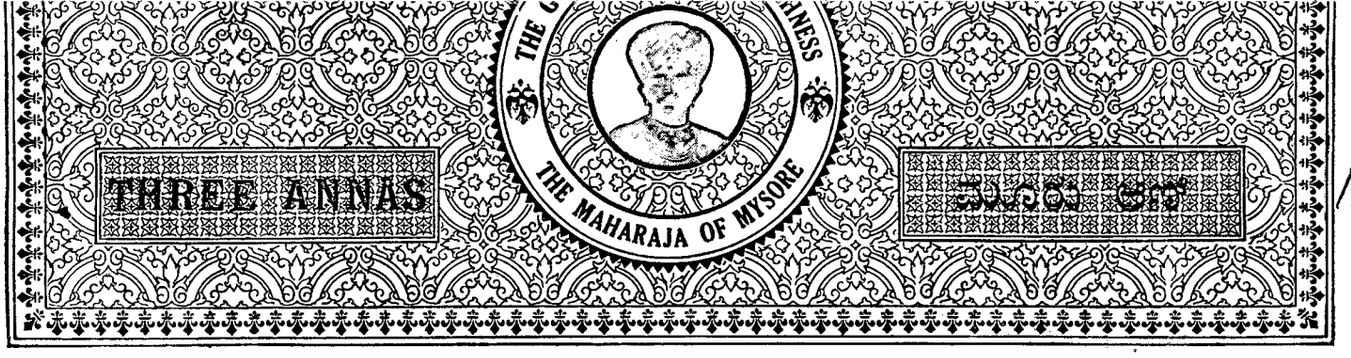
109

rent, but also the authority to lease out the land (Vide Exhibit XXVIII).

47. Now, the fourth defendant sold the land to the plaintiff on 14-12-1919 and his father-in-law Putta Chari was the person who actually negotiated for the sale and got the sale deed executed. Putta Chari sent several petitions to the Muzarai authorities including Exhibit J. The Muzarai Commissioner requested the Deputy Commissioner to pass his order in the matter as per Exhibit GG dated 12-12-1923. Then the Deputy Commissioner passed an order Exhibit W directing the land to be delivered to the possession of the plaintiff. It is seen from Exhibit W that though the preamble has fully detailed the entire history of the case, the deputy Commissioner passed his order only on the basis of the sale held in execution of the decree passed in Original Suit 21 of 1910-1911. Therefore when he sent up the refund bill Exhibit X to the Mazar ai commissioner on 12-10-1926 he called for particulars and on receipt

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



110

receipt of Exhibit XIII with the enclosures he directed the stay of the execution of the order passed by the Deputy Commissioner as per Exhibit XI dated 18-11-1916 and this order was communicated to the plaintiff. Then finally the Muzarai Commissioner sent the order Exhibit XIV cancelling the order of the Deputy Commissioner holding that the Inam Superintendent resumed the land without prejudice to the possession of the land by the temple.

48 . Now the learned counsel for the plaintiff ably contended(1) that the enquiry held by the Amildar is not according to law and 2) that the Muzarai Commissioner had not been authorised to pass an order revising the order of the Deputy Commissioner under Regulation VI of 1913.

49. The temple in question cannot be considered to be a Muzarai Institution as defined by Section 2(1) of the Regulation as it was not actually in the sole charge of of the Government when the regulation was passed and as no annual grant

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE
THREE ANNAS

grant in perpetuity had been made from public revenues & for its support and as no inam is proved to have been granted ~~and recognised~~ to the temple by the Government and recognised and registered at the inam settlement as a Devadaya. This point has been rightly conceeded by the learned Counsel for the defendants 1 to 3. Nor can an Amildar be considered as a Muzarai officer as defined by Section 2(2) of the Regulation.

50. Now as per provisions of Section 10 of the Regulation, the Muzarai Officer may hold a summary enquiry and direct possession of a land belonging to the religious institution and which has been wrongly alienated within three years of the date of Issue of notice by him to be restored to the institution or that Government assume possession thereof on behalf of the institution. Before holding the enquiry he must give a notice to the alienee.

51. Now an enquiry was held by the Amildar

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

112

Amildar and since the fourth defendant also was examined by the Amildar, as is evidenced by Exhibit VII(a), he as the alienee must be deemed to have given notice of the enquiry. But it is doubtful if the enquiry held by the Amildar is in accordence with law as he cannot be considered Muzarai officer as defined by the Regulation.

52. Again, the Deputy Commissioner, as a Muzarai officer, passed the order Exhibit W on 4-6-26 and this order was revised by the Muzarai Commissioner as per Exhibit XIV on 30-6-1928. Now when the Deputy Commissioner passed the order the Regulation of 1913 was in force. As per Section 22 of the said Regulation, an order passed by a Muzarai officer was subject to revision by Government. But in the present case Exhibit XIV does not show that the order was revised by the Government and it was revised evidently by the Muzarai Commissioner himself. The Regulation of 1913 did not give him such power. His stay order Exhibit XI dated 18-11-1926 was communicated to the plaintiff

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

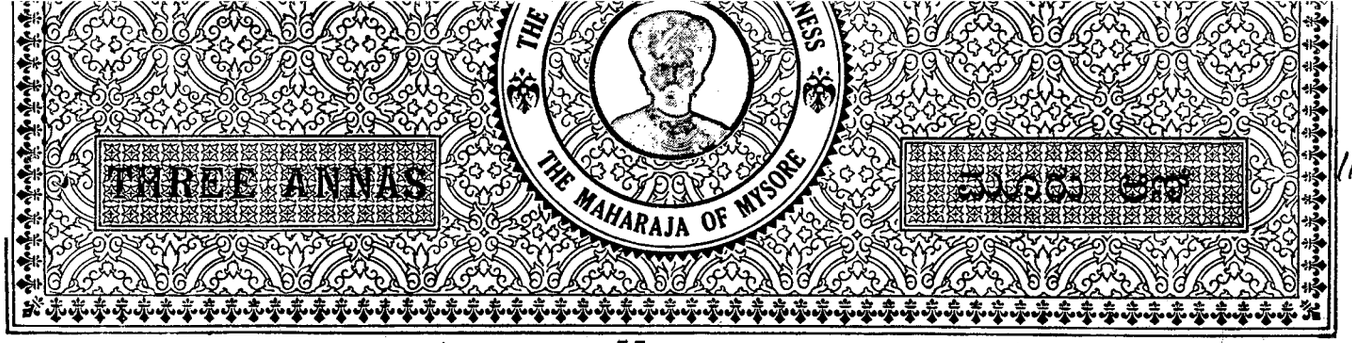
THREE ANNAS

plaintiff on 26-11-1926 as per Exhibit OO. The Mysore Religious and Charitable Institutions Regulation came into force on 1st April 1927. The Muzarai Commissioner cannot be considered to have the Jurisdiction to send the order Exhibit XI by the time he passed the final order Exhibit XIV but by the time he passed the final order Exhibit XIV on 30-6-1928, Regulation VII of 1927 had come into force and this regulation gives the power, to the Muzarai Commissioner of revision and therefore when he passed the order Exhibit XIV he had the authority to revise the order of the Deputy Commissioner.

53. It was contended that since the old regulation did not give him any such powers as the Deputy Commissioner passed the order under the old Regulation the Muzarai commissioner could not have exercised the right of revision as the old regulation did not give him such power. But

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



114

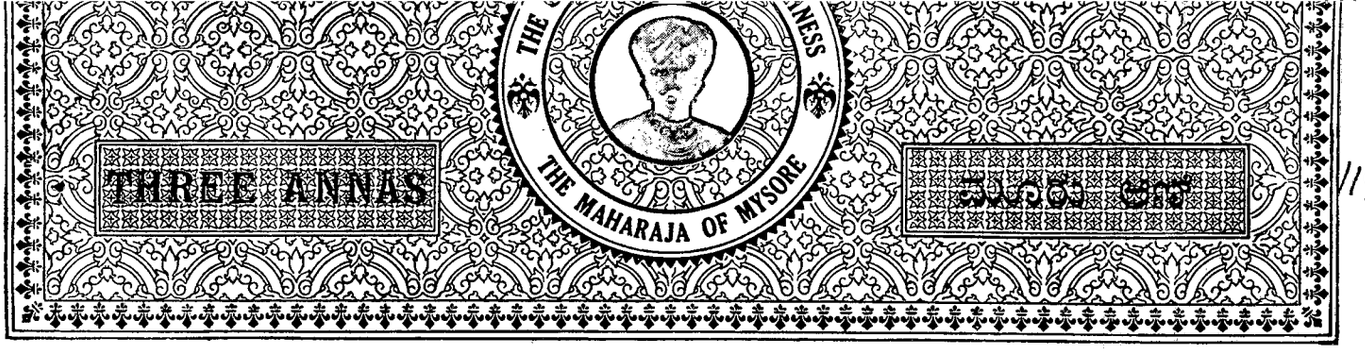
as to 55

But the question whom the revision lies is a matter of procedure and therefore does not affect any substantive right and therefore the order passed by the Muzarai Commissioner as per Exhibit XIV cannot be held to be Ultra Vires. Reference may be had in this connection to Section VI of the General clauses Act and 12 Calcutta 583, 27 Madras 538 and 32 Bombay 337.

54. Therefore it cannot be held that the Muzarai Commissioner's order is Ultra Vires. No doubt the Amildar cannot be considered to be a Muzarai officer under the old Regulation authorised to hold the enquiry. But on a petition sent by the plaintiff the Deputy Commissioner held an enquiry as a Muzrai officer and passed the order Exhibit W and the Muzarai commissioner revised that order which must be held to have been legally passed. Moreover the land was not taken over by the Government

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



115

Government under the order passed by the Muzarai Commissioner It had been taken over under the management of the Government by May 1919 and from that time it has been under the management of the Government ✓. Though the Amildar held an enquiry in 1915, the land was not taken possession of from the fourth defendant as per provisions of Section 10 of the Muzarai Regulation. But it had been in possession of the temple and the Government only took over the management of it. The Government was entitled to to take the management of the property as per section 3 of the Muzarai Regulation. Reliance is places upon a reference made in Exhibit W to the attachment of the land by the Government but the entire order is passed on a misconception of the previous history of the case and therefore no value can be given ~~xxxxx~~x to an expression used in it. For the reasons given above I hold that Issue Number 3 against the plaintiff.

SESSIONS

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

116

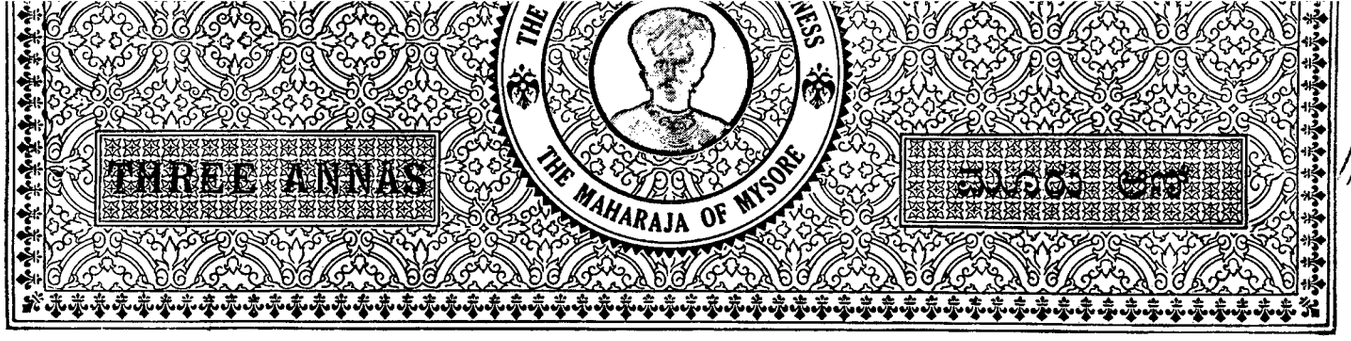
plaintiff.

55. Now whether the suit is filed under section 21 of the Regulation VII of 1927 or merely for possession of the land on the basis of the plaintiff's title to it, the suit has to fail in view of the findings on the above issue as against defendants 1 to 3.

56. Now I shall come to the question of reliefs as against the fourth defendant. The plaintiff purchased the land from the fourth defendant on 14-12-1919 under Exhibit H2 for a sum of Rs 1500/-. He admits that he did not get possession of the land then. He could have known that the land was in possession of the Government if he had made any enquries in the matter. His version that he did not know of it cannot be believed. Therefore Issue Number 9 has to be found in favour of the fourth defendant as against the plaintiff. Under Issue Number 7

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



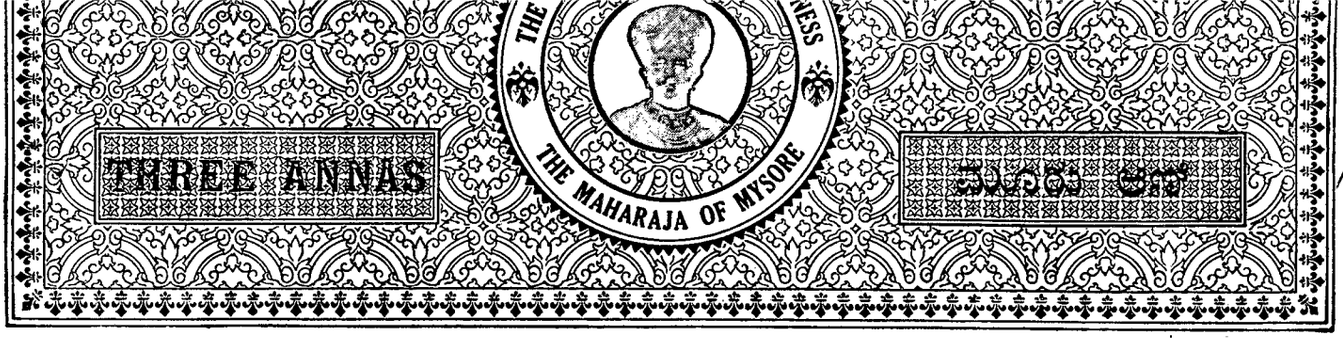
117

Number 7 the finding follows that the sale in favour of the plaintiff is not bonafide so far as the temple is concerned.

57. The plaintiff purchased in all five items of properties which the fourth defendant had purchased in the Court sale held in execution of the decree for a sum of Rs3500/- in all. The plaintiff got a separate sale deed Exhibit H2 executed for a sum of Rs1500/- for the suit land. The plaintiff did not pay the full consideration amount. He paid only Rs100/- to the fourth defendant and examined the hypothecation bond deed Exhibit IV on 28-1-1920 for the balance of Rs3400/- in favour of the fourth defendant. Towards it , he paid Rs2000/- as per Exhibit IV (a) after selling two of the properties. The balance was due to the fourth defendant. But the fourth defendant assignedhis rights under it to one Sivarama Setty who filed Original Suit 66 of 1929-1930 in the Sub Court against the plaintiff.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

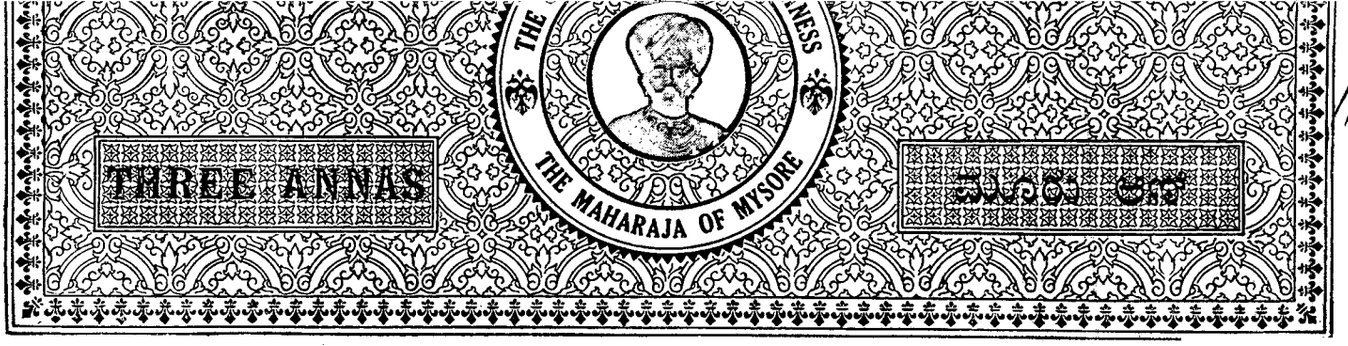


118

plaintiff. Whatever might be the reason for executing a separate deed for the suit property the conduct of the defendant in having assigned Exhibit IV in favour of another shows that the plaintiff became liable to pay full amount to the fourth defendant and his assignee. Therefore the fourth defendant is liable to reimburse the plaintiff to the extent of the value paid for the suit land. As the fourth defendant ~~xxx~~ knew of the defect in his title and conveyed the land to the plaintiff he was bound not only to disclose to the buyer material defects in his title to the property but also give him possession of the property as per provisions of Section 55 of the Transfer of Propert Regulation. As regards the title no doubt the plaintiff could have found out the defects after making the enquries as the Government was in possession of the land. But before the vendor can be absolved from the liability to

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



119

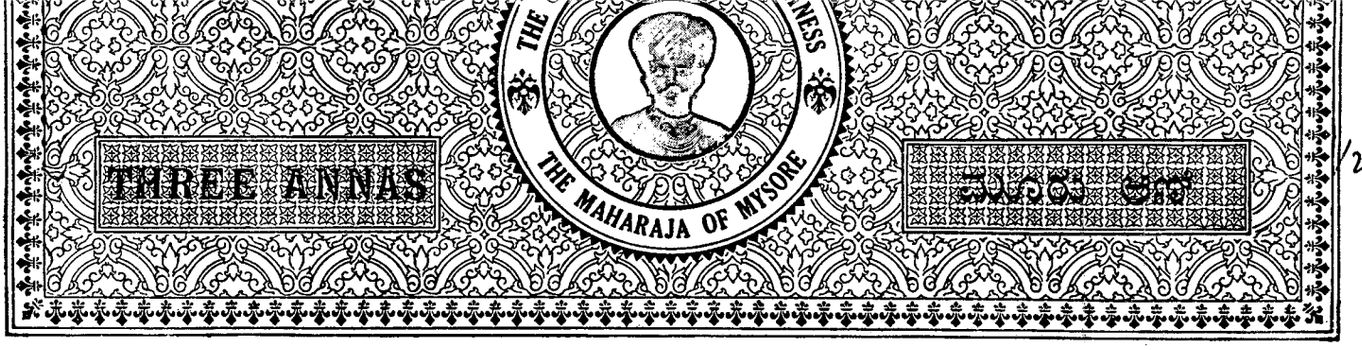
liability to disclose his defect in title he must show that the buyers knowledge amounted to a contract to the contrary Vide para 1186 of Gour's Law of Transfer Volume I Page 721. The fourth defendant was in any case bound to put the plaintiff in possession of the land and having failed to do it he is bound to repay to the plaintiff the consideration he received.

58. Therefore under issues 8 and 10, I hold that the plaintiff is entitled to recover a sum of Rs1500/- from the fourth defendant together with interest thereon at six percent from three years before the date of suit i.e. from 29-7-1926.

59. As regards issue number 11 it is not necessary to go into the question of mesne profits in view of my findings. However I must hold that the amount for which the Government has leased the land to D.W.2 is the reason-

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



reasobable rate having regard to the extent and the nature of the land.

60. In the result the plaintiff's suit is dismissed as against the defendants 1 to 3 with costs and it is decreed against the fourth defendant for a sum of Rs1500/- and interest at six per cent from 29-7-1926 and proportionate costs . As the plaintiff also knew of the defect of the the fourth defendant's title, I have now directed the fourth defendant to bear all the costs.

61. The cause of action against the fourth defendant arose on 29-1-1929 when the Muzarai Commissioner finally intimated to the plaintiff refusing to hand over possession of the property to him. The refore the suit against the fourth defendant is in time. The pla-intiff will pay the institution fee due to the Government.

" True Copy " Dictated to Shorthand Typist and pronounced in

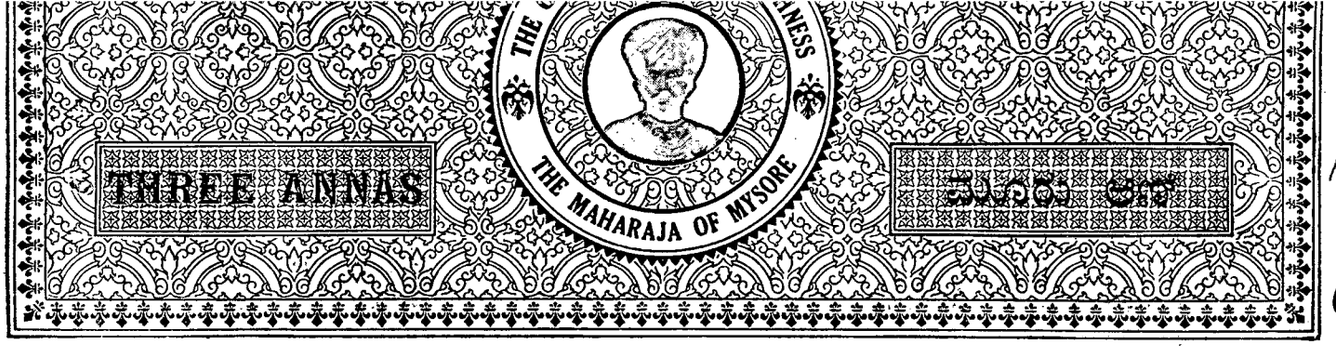
By order Open Court. SD/ C. Narayana Swami Naidu

District Judge

Head Record Keeper 23-10-33

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



122

62

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE 2369

ORIGINAL SUIT NUMBER 2 OF 1930-1931

Plaintiff V/S Defendants

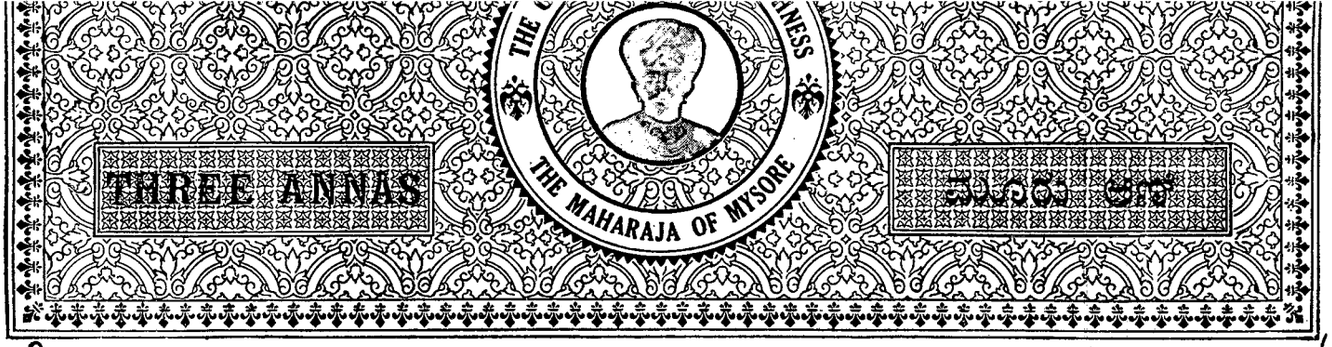
S. Narasinga Rao The Chief Secretary and others

List of Documents Admitted In Evidence For The Plaintiff

Distinguishing letter Or Member	Description of Documents	Date of Admission	Remarks
A	Dated 5-11-1902 Registered Mortgage deed by Mariamma and others to Surya-Narayana Setty	16-9-1931	
A I	Dated 10-11-1902 Stamped receipt by Chikka Basavanna to Surya Narayna Setty	DO	
A II	Dated 8-5-1903 DO by Mariamma and others to Surya Narayana Setty	DO	
A III	Dated ---- Signature of Appajee Gowda in Exhibit A	18-7-1932	
A IV	Dated 3-2-1904 Registered hypothecation bond by Mariamma and others to Salar Masood Sab	18-7-1932	
A V	Dated ---- Defendant's summons in O.S.21 of 1910-11 on the file of the Sub Court Mysore	18-7-1932	

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



123

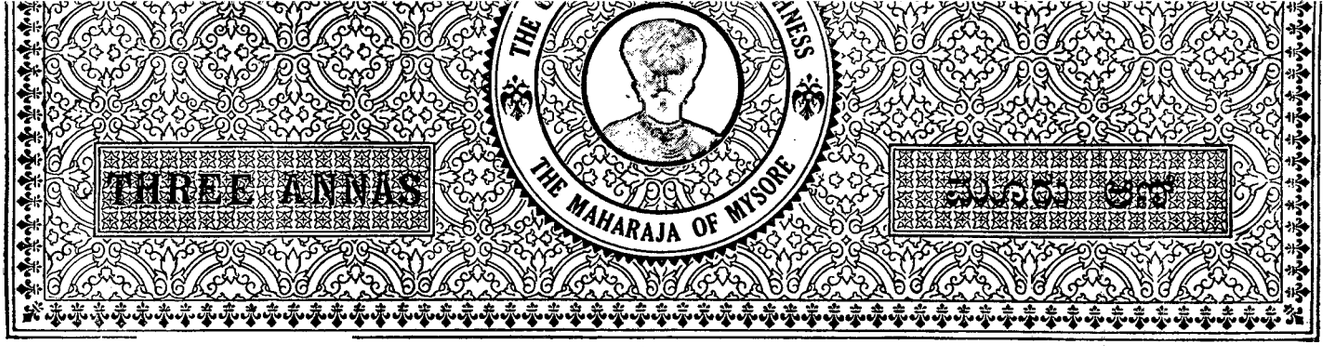
2

63

B	Dated 12-6-1900.	Registered hypothecation deed by Mariamma to Salar Masood Sab.	~~12-6-1932~~ 16-9-31
B I	Dated 3-7-1900	DO by Somanna and Mariamma to Salar Masood Sab	DO
C	Dated 12-5-1903	On Demand pronote by Somanna, Appajee and others for Rs15/- to P.W.1 Surya Narayana Setty,	16-9-31
D.	Dated 19-5-1903	Lease deed by Some Gowda and Appajee Gowda to Badam Ranga Setty for Surya Narayana Setty.	DO
E.	Dated 2-7-1906	Chellan for Rs ~~146-14-5~~ 146-14-5 pr[illegible] to the Taluk office towards kandayam by Bale Chikka Basavanna.	DO
F.	Dated 3-6-1914	Lease deed by Lingamma to Khadar Sharef Sab alias SabJu Sab	DO
G.	Dated 10-7-1913	Registered lease Deed by Do to Do.	DO
H.	Dated 3-7-1923	Registered Hypothecation Bond by plaintiff to P.W.5 H. Krishna Murthy Rao ~~xxxxx~~ and his wife Saraswathi Bayamma for Rs1200/-	~~DO~~ 9-6-1932
H I	Dated 5-7-1923	Stamped receipt for Rs1200/- by Plaintiff to DO	DO

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



124

64

H II	Dated 14-12-1929	Registered sale deed by 4th Defendant to plaintiff for Rs1500/-	9-6-1932
J	Dated 3-1-1921	Petition by Putta Char to Muzrai Secretary	DO
J I	Dated 14-2-1921	DO DO DO	7-9-1932
J II	Dated 18-2-1921	Do to the District Muzrai officer, Mysore	DO
K.	Dated 2-1-1922	Do to the Mysore Sub Division Assistant commissioner,	9-6-1933
L.	Dated 16-3-1922	Do to the Deputy Commissioner Mysore	DO
M.	Dated 2-2-1923	Petition by Putta Char to the Muzrai Secretary	9-6-1932
N.	Dated	Inam Register of Arjuna Halli from 1929-1930	DO
O.	Dated 5-5-1913	Khirdi extract of Arjuna halli for 1912-1913	18-7-32
P.	DO	Lease deed by Khader Shareef alias Subjan Sab to 4th Defendant	DO

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

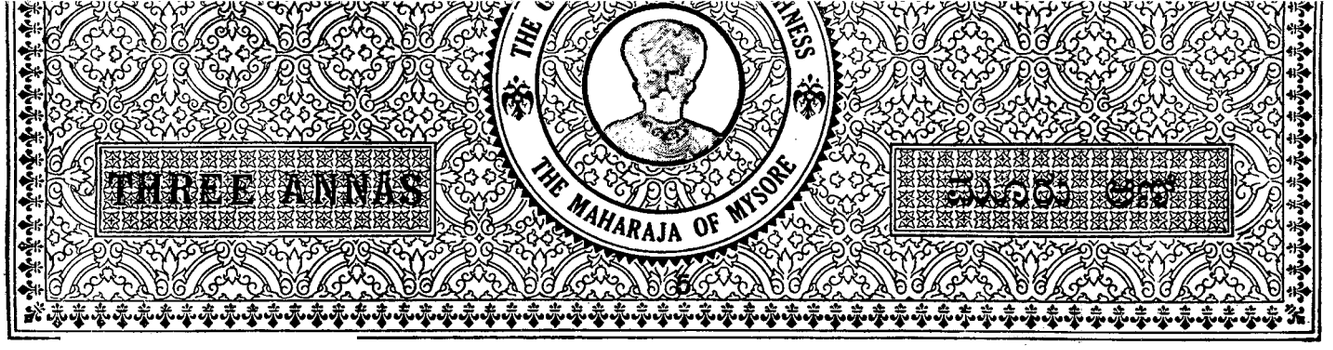
125

65

Q	Dated 2-3-1915	Demand notice issued to the 4th defendant for Malleswara Devaru	18-7-1932
Q I	Dated 24-3-1915	Revenue money order Coupen	DO
Q II	Dated 2-5-1914	DO	
Q III	Dated 19-7-1916	Kandayam receipt by Ranga Rao to 4th defendant for 1916-1917	DO
Q IV	Dated 10-4-1918	Demand notice issued to 4th defendant for Malle Swara Devaru	DO
R	Dated 29-9-1926	Certified copy of delivery receipt by H. Vitala Murthy Son-in-law of Plaintiff	DO
S	Dated 31-3-1913	Delivery receipt granted by 4th Defendant in Mis 165 of 1912-13 on the file of Sub Court, Mysore	19-7-1932
T	Dated 31-3-1913	Shaha Patti prepared by Amin at the time of delivery in Do	DO
T I	DO	Shara Written in Exhibit T	DO
U	Dated 29/30-6-20	Endorsement given to Putta Char by Superintendent of Mysore	

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



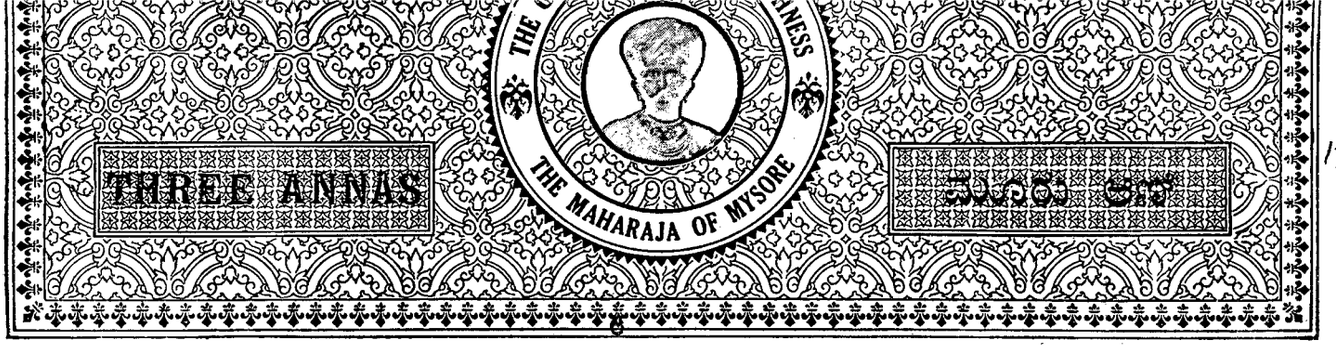
126

66

		Mysore Revenue Survey and settlement regarding serial Number 14	7-9-32
V.	Dated	Copy of Register of Inams of Arjuna Halli	DO
V I	Dated	Extract of quit rent Register of Arjuna halli for 1897	DO
V II		Inam P[illegible] of DO for 1919-1920	DO
W	Dated 4-6-1926	Copy of the order of the District Muzrai officer, Mysore District in R Dis No 95/25-26	DO
X	Dated 18-7-1929	Copy application filed by plaintiff in R.Dis No.197-26 of 11-7-1928	10-12-1932
X I	Dated 17-7-1929	Endorsement given to plaintiff on Exhibit X	5-1-33 DO
Y.	Dated 10-3-1913	Sale certificate given to the 4th defendant by Sub Court in O.S. 21 of 1910-11 and Ex 166 of 1911-12	10-12-32 DO
Z.	Dated 31-3-1913	Certified copy of delivery receipt granted by 4th defendant in - DO -	DO

Copy applied for on the	Applicant told to appear on the -	Applicant appeared on the	Copying stopped for want of copying sheets on the -	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



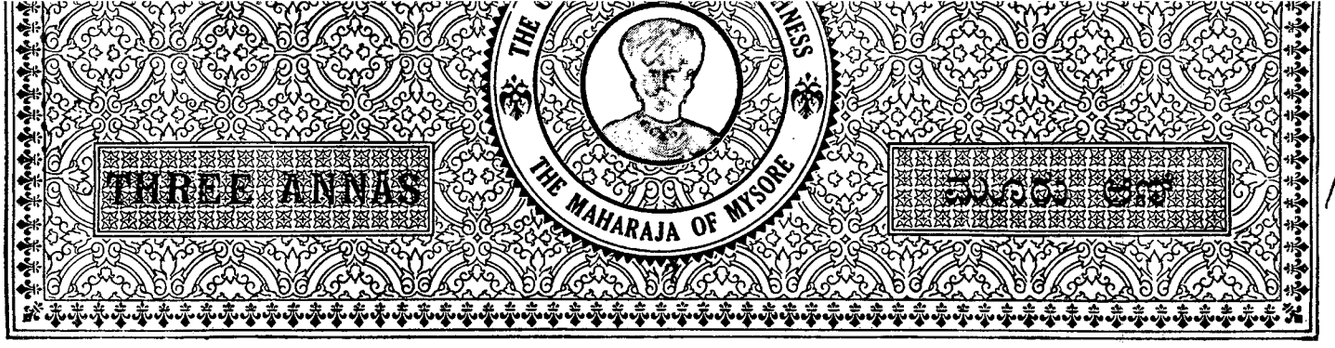
127

67

AA		Copy of Khiddi extract of Arjunahally for 1886-87	10-12-1932
AA I		DO for 1905-06	DO
AA II		DO for 1906-07	DO
AA III		DO For 1908-09	DO
BB	Dated 14-8-1928	Endorsement given by the Deputy Commissioner, Mysore to Plaintiff	DO
CC	Dated 9-12-1926	Notice given by the Taluk office, Yedatore to plaintiff	DO
DD	Dated 19-7-1906	Endorsement given by the Amildar Yedatore Taluk to Md. Jaffer Sab	10-12-32
EE	Dated 7-6-1926	Application by Plaintiff to the Deputy Commissioner, Mysore	4-1-33
EE I	Dated 10-6-1926	Endorsement of Deputy Commissioner on Exhibit EE	DO
FF	Dated 31-3-1913	Memo by the - DO - to plaintiff requesting to furnish documents etc mentioned in it	DO
GG	Dated 12-12-23	Letter by Muzrai commissioner to Deputy commissioner	5-1-33
HH		Copy of Inam Register of Arjuna hally for 1878-79	DO

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



128

68

HH 1	dated 28-5-21	Yadi by the Muzrai Superintendent's office to the superintendent of Survey Depatment	5-1-33
JJ.	dated 12-10-15	Statement given by Appajee Gowda in Yedatore Taluk office	12-1-33
KK	dated 27-7-1912	Report by the Amildar Yedatore Taluk to the Sub Division officer Mysore	19-8-33
LL.	dated 5-10-26	Refund bill for Rs 632-4-9	DO
MM.	dated 23-2-28	Report by the Amildar Yedatore Taluk to the Deputy Commissioner Mysore	DO
NN.	dated ~~26-10-26~~ 1-10-24	Report by the Sub Division Officer Mysore to the Deputy Commissioner Mysore	DO
OO	dated 26-11-26	Stay order issued to plaintiff by the Deputy Commissioner, Mysore	DO
PP.	dated 16-5-1929	Notice by plaintiff's Advocate to the first defendant	DO
PP 1.	dated 16-5-29	- DO - by the 2nd defendant	DO
QQ	dated 18-5-1929	Postal acknowledgement	DO
QQ 1.	dated 18-5-1929	- DO -	DO
QQ 2.	dated 17-5-1929	Postal acknowledgments	19-8-33
		For Defendants :-	
I.		Namtabdeel list for 08-09 Arjunahalli Village	18-7-32
I A		Portion marked in Exhibit I	DO
II.		Patta in the name of Malleswara Devaru for 1909-1910	DO
III.	dated 26-8-09	Kandayam receipt granted by shanbogue Ranga Rao to patel Ninge Gowda	DO

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

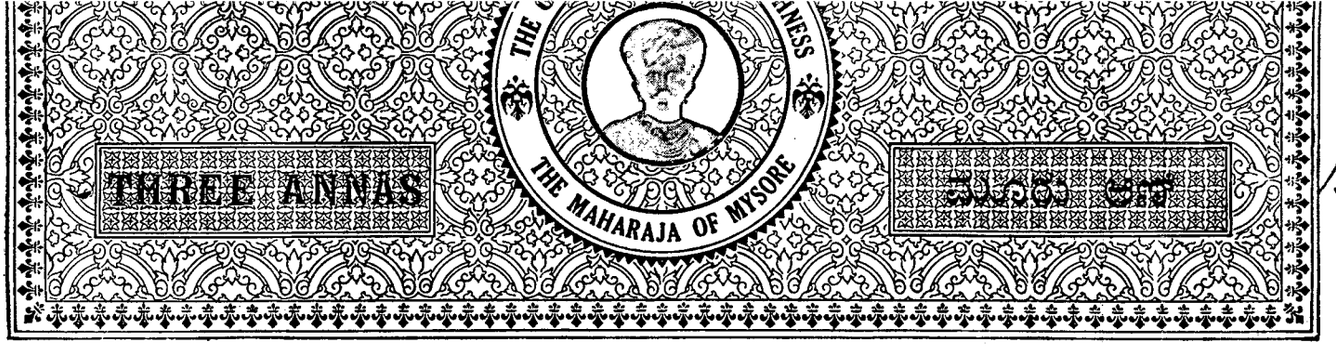
129

69

IV.	dated 28-1-1920	Registered hypothecation bond by plaintiff to fourth defendant for Rs 3400/-	DO
Iv A.	dated 4-9-20	Endorsement in Exhibit IV	DO
V	dated 31-8-15	Statement given by the 4th defendant before the Amildar, Yedatore Taluk	DO
VI.	dated 15-12-24	Letter by plaintiff to 4th deft	10-12-32
VI A	dated 18-5-27	DO -	DO
VII	dated 20-7-12	Report of Shanbogue Ranga Rao to the Taluk office Yedatore	DO
VIII.	Dated 11-10-15	Statement of -do- in -do-	DO
VIII A and B		Signature of -do- in Ext VIII	DO
IX	dated 26/28-1-29	Endorsement by the Deputy Commissioner to Vitala Murthy Rao	4-1-33
IX A		Envelope	19-8-33
X	dated 12-10-1926	Letter by Deputy Commissioner to the Muzrai Commissioner	5-1-33
XI.	dated 18-11-26	-do- by Muzrai Commissioner to the Deputy Commissioner	DO
XII	dated 31-5-27	-dO- by Dinancial Secretary to Muzrai Commissioner	DO
XIII.	dated 8-7-1927	-do- by Deputy Commissioner to Muzrai Commissioner	5-1-33
XIV.	dated 30-6-28	-do- by Muzrai Commissioner to the Deputy Commissioner	DO
XV.	dated 6-7-82	Certified copy of plaint in O.S. No 281/1881 on the file of the Hunsur Sub Division Munsiff's Court	~~DO~~ 12-1-33

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



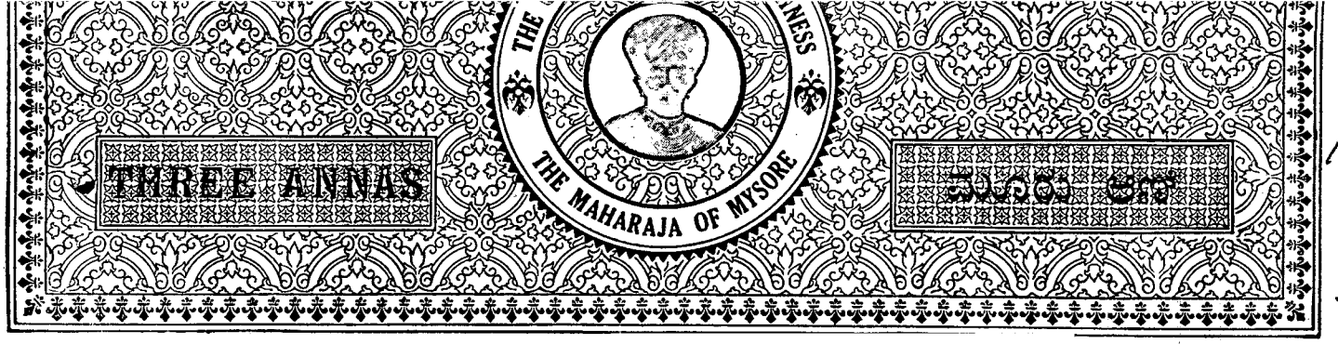
130

70

XV A	dated 20-9-82	Razinama filed in - DO-	DO
XV B	DO	Decree in - DO -	DO
XV C	DO	Judgment in - DO -	DO
XVI A	Dated 17-8-1911	Notice Issued to Appajee Gowda by Taluk office, Yedatore	12-1-33
XVI B	Dated 6-10-15	- dO- to - do - and others - dO -	DO
XVII A	dated 6-5-26	Entry showing the payment of Rs 67-10-9 in the pass book of Muzrai Institutions, Yedatore taluk for 1925-1926	11-7-33
XVIII A.	Dated 21-3-27.	- do - for 26-27	DO
XIX A.		- dO - showing debits and credits for 1926-27 and 27-28 in - do -	DO
XX A		- do - for 1928-29 in - do -	DO
XXI.	Dated 7-12-29	Order of Deputy commissioner, Mysore Mysore District fixing the scale of expenditure	DO
XXII A.		Entry showing the amounts spent in 1929-30 in the Muzrai pass boo-k in Yedatore Taluk	11-7-33
XXIII A.		- DO- debits and credits in 1930-31	DO
XXIV	dated 15-4-20	Sale list showing that poojari purchaed the right of lease in 1920	DO
XXV	dated 31-3-20	- do- for five years from 1920-21	DO
XXVI A		Entry showing debtis and credits in 1930-1931 in the Muzrai pass book of yedatore Taluk	DO
XXVII	dated 17-8-11	Notice issued by the Taluk office Yedatore to Mohamad Salar Sab	DO

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



131

71

XXVIII	30-9-30	Report of the Sub Division officer Mysore to the Deputy Commissioner Mysore	DO

Id/ C.N.S.

District Judge

Exhibits marked before the Commissioner

A.	dated 30-8-15.	Petition by the villagers of Arjunahalli to the Amildar of Yedatore Taluk	19-3-33
B	dated 8-4-16	Report by Amildar to the Sub Division officer, Mysore	DO
B I.	dated 4-9-15	Petition annexed to Exhibit B	DO
C.	dated 5-3-16	Statement of Shanbogue Ranga Rao before the Deputy Amildar	DO
C I	dated	Signature of Deputy Amildar in Exhibit C.	DO
I.	dated 31-8-15	Statement of Madappa and others before the Amildar	DO
I A.	dated	Signature of Amildar	DO
II ~~xxxxx~~ B	6-10-15	Notice issued to Appajee Gowda and others by the Taluk office, Yedatore	DO
II A and B		Signatures of Amildar	DO
III	dated 12-10-15	Statement of Appajee Gowda before Amildar	DO
IV	DO	- do - of Malliah - do -	DO
IV A		Signature of Amildar	DO
V	dated 12-10-15	Statement of Subbiah before Amildar	Do

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

132.

72

V A.	Signature of Amildar in Exhibit V	19-3-33
VI dated 12-10-15	statement of Some Gowda before Amildar	DO
VI A.	Signature of Amildar	DO
VII dated 31-8-15	statement of Abdul Rahiman before Amildar	DO
VII A	Signature of Amildar	DO
VIII 4/14-12-15	Report of Amildar to the Sub Division officer , Mysore	DO
VIII A	Signature of Amildar	19-3-33
IX	Title page of Khatewar Register for 1873-74	DO
IX A	Entry in - DO -	DO

Id/ C.N.S

District Judge

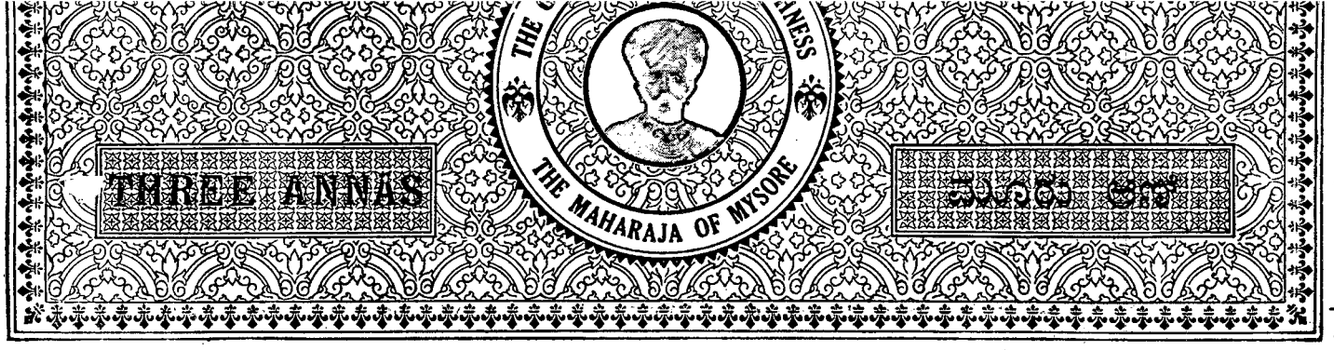
" True Copy "

By Order

Head Record Keeper

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by



134

73

In the Court of the District Judge, Mysore

Original Suit Number 2 of 1930-1931

The witnesses Examined in the case are

For plaintiff

1. A. Suryanarayana Setty
2. Badam Ranga Setty
3. Lingamma
4. M. Rama Rao
5. H. Krishna Murthi Rao
6. Venkata Rao , Shanbogue
7. Basappa Patel
8. S. Narasinga Rao (plaintiff)
9. D. Krishnappa
10. Vittala Murthy Rao

For defendants 1 to 3

1. K.L. Narasimha Iyengar
2. Appajaiya
3. Mallappa
4. Javare Gowda
5. Jone Gowda
6. Chenne Gowda
7. B. Lakshmana Rao

One witness Mr. G. Narayana Rao was examined on commission for 4th defendant- nil -

Id/ C.N.S.

" True Copy "

District Judge

By order

Head Record Keeper

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

G.R.W
4963
pages 1 to 96
Retd. 24

In the court of the District Judge at Mysore.

Original Case No,2 of 1930-31.

Plaintiff. V/S. Defendants.

S.Narasinga Rao. Chief Secretary & others.

Before the Commissioner in
Mis No.428/1932-33.
First Munsiff's Court, Bangalore.

Deposition of witness No.1 for defendants 1. 2 and 3.

Name: Mr.G.Narayana Rao. Father's name : Mr.G.Rama Rao. Age : 70. Caste : Madhwa Brahimin. Occupation : Retired Amildar. Residence : Basavanagudi, Bangalore.

Duly Sworn.

I was Amildar at Yedatore between 1914 and 1915. I was there for about one year and nine months. My predecessor in Office at Yedatore was one Mr.K.Srinivasa Rao. I remember one Arjunahalli, - a village in Yedatore Taluk. I see my signature in Exhibit I. I also see the words " before me " above my signature. This is marked as Exhibit I(a).

Whenever a statement is recorded by any officer and when the same is admitted by the deponent to be correct the expression " before me " is used by the Officer who re-

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

recorded the said statement before affixing his signature to the same. I cannot read the Kanada writing in Exhibit I, as my eye sight is bad. I am advised by the Doctor not to use glasses. If Exhibit I is read out to me I am prepared to say what I know about it. (Mr.K.Ramaswamy reads out the same) I have heard Exhibit I read out before me now. It is true I have recorded that statement.

I see my signature in Exhibit II. (This is also read out by Mr.K.Ramaswamy). I have heard Exhibit II read out before me now. I have signed the same at 2 places. These are marked as Exhibit II(a) and Exhibit II(b). I find that it purports to be notice issued from my office.

(Exhibit II is already marked as Exhibit XVI in Original suit No. 2 of 1930-31 on the file of the District Judge, Mysore.)

I see my signature in Exhibit III. It is dated 12-10-19-15. (Already marked as Exhibit JJ in the said

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
GOVERNMENT OF MYSORE

said original case before the District Judge's Court, Mysore).

I see my signature in Exhibit IV. It is dated 12-10-15. It is marked Exhibit IV(a). I see the expression " before me " in Exhibit IV. It must be a statement recorded by me. IV (Mr.K.Ramaswamy reads out the same). I have heard Exhibit IV read out before me now. It is true that I recorded this statement.

I see my signature Exhibit V(a) in Exhibit V. It is dated 12-10-1915. It is also a statement recorded my me. (Mr. K.Ramaswamy reads out the same). I have heard Exhibit V read ~~mark~~ out before me now. It is true I recorded this statement. V

I see my signature Exhibit VI(a) in Exhibit VI dated 12-10-1915. (This is read out by Mr. K.Ramaswamy). I have heard Exhibit VI read out to me now. It is true I recorded this statement. VI

SESSIONS COURT

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVERNMENT OF MYSORE
ಮೂರು ಆಣೆ

I see my sigaature Exhibit VII(a) in Exhibit VII. (This is flagged as Exhibit V in District Judge's Court). This is dated 31-8-1915. (Mr.K.Ramaswamy reads out the same). I have heard Exhibit VII read out to me now. It is true I recorded this statement.

I do not remember at this distant date what I did with these statements which I recorded. I see my signature Exhibit VIII(a) in Exhibit VIII. If the document is read out I shall say what it is, if I can recollect the same. (Mr.K. Ramaswamy reads out Exhibit VIII) I have heard Exhibit VIII read out to me now. I find that Exhibit VIII is the report which I submitted to the Sub-Division Officer Mysore. It is dated 4/14-12-1915.

I recollect having referred to the Khetwar of the year 1874 in my report Exhibit VIII. I hear now read out

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
GOVT OF MYSORE

The document now seen by me purports to be the Khetwar Register for the year 1873-74. It might have been the original Khetwar from which the extract, referred to by me in Exhibit VIII was prepared. This document is marked as Exhibit IX. (What was shown to the witness is marked as Exhibit IXa).

I can't say how long I remained at Yedatore subsequent to December 1915. I might have gone to Arjunahalli village. But I do not remember whether I went there in connection with the present matter.

Cross Examination:-

I might have ~~recorded~~ received complaints and in the usual course, I might have caused the issue of these notices.

I hear the petition dated 30-8-1915 read out to me. It purports to be a petition addressed to the Taluk Amildar by the villagers of Arjunahalli. It is marked Exhibit A.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
GOVT OF MYSORE

It may have been received in the Taluk Office. The Amildar usually signs all the petitions presented to him in person. Exhibit A does not bear my signature or initials. I can't say whether Exhibit A was presented either at Yedatore or at any other place. I can't say who have signed Exhibit A. The body of the statements recorded before me, is not in my hand-writing. Exhibit I must have been recorded on the day following that of Exhibit A. (Witness volunteers: " I can't say whether Exhibit A was actually presentdd on 30-8-1915. It might have been presented on 31-8-1915).

I don't remember an individual by name Ranga Rao, Shanbhogue of Arjunahalli. I can't say whether Shanbhogue Ranga-Rao has written the various statements. I can't identify Ranga Rao's signature.

I can't say whether I have seen the Temple at Arjunahalli

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

I can't say whether there is any image of God or Gods in that Temple. I issued the notices to the villagers. as a matter of routine and in my capacity as Amildar.

I see Exhibit VII. It contains an Urdu signature. I do not know who signed it. I can't say whether the person who has signed Exhibit VII, attended the Taluk Office in response to the notice, if any, issued to him by the Taluk office.

I can't say whether I have recorded the statement of any other party apart from the statements I have actually recorded. When the deposition is read over the witness says the expression "I do not remember" must be added (Sd) G.N. The Government did not take possession of the land in dispute, during my term of office as Amildar at Yedatore. The claimants might have ~~prepared~~ preferred their petitions to the Taluk ~~office~~ authorities with intent to deprive the decree-holder who was a Mohamadan, of the land in dispute. I did not form any such opinion on reading those petitions, as regards the claimant's motives. I can't say whether Ex-

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
GOVT OF MYSORE

Exhibit VIII was prepared, after perusing the Quit Rent Register, Endowment register and the Inam Register. If any piece of land belonged to any Muzarai Temple, then referrence to the same will be available in the Quit Rent Register, Endowment Register, and the Inam Register. If a piece of land is inam or Muzarai, the quit rent Register bears references to it and full assessment is not levied on the same, unless otherwise ordered.

QUESTION:- ಇ ಖಾನು ದಳವಾಯಿಪಲ್ಲು ಅನಿದ್ದಕೆ ಅಂದಾ
ಎಷ್ಟಾನಿಕಿಲುಂ ಕಲಿಸ್ತಂದಾಂದು ಕಲಿದು ಚೆಪ್ಪಲ್ಲು ಕಾನಿಕಿಲುಂ?

ANSWER:- ಇಲ್ಲ.

The Muzarai Regulation was in force in the year 1915. I can't say whether I conducted the enquiry in accordance with the rules under the said Regulation. But I might say that we can't depart from those rules either. The Amildar cannot independantly levy contributions for temple lands

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVT OF MYSORE
ಮೂರು ಆಣೆ

lands converted from dry into wet. I do not know the rules which regulate these cancellation of an inam land at the time of Survey Settlement, and converting it to the Kandayam Tennure.

I can't say whether I have seen the land in dispute. I did not make any independent enquiry as to whether Puja is being done at the Temple or not. I was also the Magistrate of Yedatore at that time. I can't remember whether one Bapu Sab had caused a Criminal complaint lodged by his tenant in respect of the land in dispute. I can't say whether I discharged the accused in that Criminal Case. I can't say whether the statements recorded before me were either before or subsequent to the said Criminal Case.

I see Exhibit B dated 8-4-1916. It is a report on a reference from the Sub Division Officer in respect of Exhibit B1, a petition addressed to the Deputy Commissioner.

ASSISTANT COMMISSIONER NORTH DIVISION

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

Commissioner. One Mr.Srimivasa Murthi was Deputy Amildar when I was Amildar. at Yedatore I see his signature to Exhibit C, and Exhibit C1 is the signature.

The Shanbhogue prepares the ನಾಮಲತ್ತುದಾರ Register. Whenever a Khata is transferred, the previous Khatadars are duly notified and their statements are recorded and then the transfer of Khata is effected. I can't say whether I made any enquiry in this behalf with respect to the ನಾಮಲತ್ತು referred to by me in Exhibit VIII.

I cant remember what is meant by Jddi Inam. (Witness volunteers:- I am not in touch with these matters for the past so many years.)

I can't ~~say~~ remember whether any notice was sent to one Abdur Rahim, on his failure to produce the documents within the prescribed time mentioned in Exhibit VIII.

There will be accounts relating to the lands belonging

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

belonging to the temples. The Muzarai Officers inspect the same as and when the occasion requires such inspection.

Question:- ಸಂದು ಪೂಜಾರಿ Temple ಗೆ ಹೋಗಬೇಕಾದರೆ ಅನುಭವಿಸುವಾಗ ಕೈಂಕರ್ಯದವರು ಸಲ್ಲಿಸಬೇಕಾದ ಸೌಲತ್ತಿಗೆ ಏನಾದರೂ?

Answer:- ಹೌದು. ಇರಬಹುದು.

(Mr.Krishnaswami Rao says that this was not the form of his question. I have to state that I distinctly remember and recollect having heard the question put in the form I have noted. Id/ C.N. Commissioner).

Question:- ಕರ್ಣಂಪೂಜಾರಿಯು ಬಚ್ಚನವರಿಗೆ ಸೇರಿದವನೆಂದು ಅವನು ದೇವರ ಧ್ಯಾನದಲ್ಲಿ ಕೈಂಕರ್ಯವೂ ಆಗಿರಬೇಕೆ, ಎಂಬುದು ಈ "ಕೈಂಕರ್ಯ" ಎಂಬ ಪದಕ್ಕೆ ಏನಾದರೂ ಅರ್ಥವೇ?

Answer:- ಇರಬಹುದು. ಇನ್ನೂ ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಅವನು ಅಲ್ಲಿಯ ದೇವರು ಕೈಂಕರ್ಯವನ್ನು ಕೈಂಕರ್ಯ ಕೂಲಿಯನ್ನು "ಎಂದು ಸೇರಿದವನಾದರೂ ಇರಬಹುದು.

Question:- ಕೈಂಕರ್ಯ ಎಂಬುವುದು for purpose of identification or description ಗಾಗಿಯಾದರೆ ಸೇರಿದವನೆಂದು ಹೇಳಬಹುದಲ್ಲವೆ?

Answer:- ಕೈಂಕರ್ಯ ಮಾಡುವವರು ಎಂದರ್ಥವಲ್ಲವೆ?

COURT, * BANGALORE

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

ಆಗಾಗ್ಗೆ ಬಂದು ಕೆಲವು ಸಲ ನಾನು ಹೇಳಿರಬಹುದಾದ್ದನ್ನು
ಅದು ಅವನ ಅಭಿಪ್ರಾಯವಾಗಿರಬಹುದು.

Whenever the statement of any person was recorded before me, the deponent wasalways present in person before be and the entire statement was actually recorded in my presence and duly signed by the deponent. It was only then that I used to certify that the statement was recorded "before me".

Question :- ನೀವು ಮೇಲಿನಲ್ಲಿ "Resumed and fully assessed" ಅಂದರೆ ಅರ್ಥವೇನು?
Answer :- Resumed ಅಂದರೆ ಎಂಥಹ ಸಾಕ್ಷಿ ತೆಗೆದುಕೊಂಡಿಲ್ಲ. ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳಿಲ್ಲವೆಂದು "ಅಂತ.
Question :- ಆಸ್ತಿ ಅಂಥಾ ಯಾವ ಯಾವ ನೆಲ್ಲಿಂದ ಯಾವ ಯಾವ ನಂಬರಿನಲ್ಲಿ ಅಥವಾ ಎಷ್ಟು ಜಮೀನಲ್ಲಿ!
Answer :- Resumed and fully assessed ಅಂದರೆ ಸರಿಯಾಗಿ ನೆಲ್ಲಿಂದಲ್ಲಿ ಸರಿಯಾಗಿ ಕೊಂಡಿದ್ದಾನೆಂದು ಆದ್ದರಿಂದ
Question :- ಅಂಥಾ ಸಂದರ್ಭದಲ್ಲಿ ಅದು ಎಷ್ಟು ಎಂಬುದಲ್ಲ. ಯಾವುದಿಲ್ಲ.
Answer :- ನೆಲ್ಲಿಂದಲ್ಲಿ ಸರಿಯಾಗಿ ಕೊಂಡಿರುವುದಲ್ಲ ಯಾವುದಿಲ್ಲ. ಎಷ್ಟು ಎಂಬುದಲ್ಲ

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

MYSORE

ಮೂರು ಆಣೆ

ಆಗಸ್ಟ್ ತಿಂಗಳಲ್ಲಿ ನಿಂಡಿಗುಂದಿರಬಹುದೆಂದು
ಅದು ಅವನ ಅಭಿಪ್ರಾಯವಾಗಿರಬಹುದು.

Cross Examination Continued:- I can't say how many Temples there are in the village of Argunahalli.

Re Examination:- The Amildar does not usually record the statements by himself other than statements recorded in Criminal cases; the Revenue Munshi or the Muzarai clerk takes down the statement in the presence of the Amildar. After the statement is taken, the same is read out to the deponent. The Amildar, after satisfying himself that the deponent has made that statement certifies to the effect that it is so taken by him.

Question:- ನಂದು ದೇವಸ್ಥಾನಕ್ಕೆ ನಂದು ಭೂಮಿ ಬಿಟ್ಟ
ಧರ್ಮದರ್ಶಿ ಅದು ಎನಾಯಿತು ಭೂಮಿಗೆ ಅಂತ ಬಳಿಕ ಯಾ
ನಿಬ್ಬಂದಿ ಇರಲಿಲ್ಲವೆಂತ ?

Answer:- Private gift ಆ ಸಮಯ 20 ವರ್ಷ ಇತ್ತು.

Question:- ನಂದಾಯ ದಲ್ಲಿ ಸಾಲಿ ಎನಾಯಿತು
ಭೂಮಿ ಆ ಸಾಲಿ ಅದನ್ನ ದೇವಸ್ಥಾನಕ್ಕೆ ನಂ ಕಟ್ಟಿಲ್ಲವೆಂತ?

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

Answer: ದೇಂ ರುಬಿಕ್ಕುದು.

Question: ಅಂಕ್ಷಾ ರಂಜಿಸ್ತೆ ಜಿಮಿಂಷು ಮೂಂಜ್ಞಾ ರ ರಿಂಕ್ಷ ನು ಯಾಂದು ಅನುಕ್ಕಾಕ್ಕೆ?

Answerr- ದೇವಕ್ಕಿ ನಕ್ಕಿ ಬಂದೂಂ ಕುತ್ತೆ.

Question:- ಯೂಂವುರಾ ರೆಳಾಂ ಬಂದುಳ್ಳಿ ತೆಲ್ಲ ಸ್ಟ ಬಂದು ಜಿ ಮಿಂಷು ದೇವಕ್ಕಿ ನಕ್ಕಿ ಬಳುತ್ತೆ. ಅಂಕ್ಷಾ ನೊಂದ ಚ್ಚ ದಸ್ಟ ಬಂತೆ ಯೂಂಕ ಕೊಡರಿನಸ್ಟ ರುತ್ತೆ?

Answer:- ದೇವೆರ ತಿಡಿಕಿ ನಸ್ಟ ಎಂಯೂಂ ಖಂಕೆಯೂಂ ನುತ್ತೆ. ಬಂದು ನೇಳಿ ದ್ರೂಂ ಚಾಂ ತಿಡಿಕಿಡಿಕಿ ನಸ್ಟ ಎಂಯೂಂಡಿಕಿ ಆನು ಪ್ರಯೂಂಟು. ಬಂದು ಖಂತ ಯಿಲ್ಲಿಕ್ಕೆ.

Question:- ಮುನ್ನೀ ಪ್ರತಿಕ್ಕೆನೆಳು ಪ್ರೂಚಾಂಡಿ ಬಿಡಪೇ ನಾಂ ದ. ಪ ದಿಖಾ ತೆಕಾಂ ರಪತಿಪ ರು ಎಂಬಂವ ಬೊಂದ ಚ್ಚ ದಸ್ಟ ಬಂತೆ ಯಾ ನಳುತ್ತೆ?

Answer:- ದೇವಕ್ಕಿ ನಕ ಆನಿಪ್ಪ ಲೆಕ್ಕ ದಸ್ಟ ಯಾ ನಳುತ್ತೆ

Question:- " ಏನು ದೇವಕ್ಕಿ ನಕ್ಕ ಆನಿಪ್ಪ ಲೆಕ್ಕ ದಸ್ಟ ."

Mr.A.K.Rao objects to this question and says that it does not arise in Re-examination.

I allow the question to be put.

ಚಿಲಾಸು ದೇವಕ್ಕಿ ನಕ್ಕಿ ಆನಿಪ್ಪ ಲೆಕ್ಕ ದಸ್ಟ ಬಂತೆ ಯಾ ನಳುತ್ತೆ

Read over, and admitted to be correct.

Sd/ G.Narayana Rao.

"True Copy"

By Order

Sd/ C.Narasinga Rao,
Commissioner.

19-3-1933.

Head Record Keeper.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
29.3.33		22-5-33		

Copy ready on the	Copy delivered on the	Copied by	Examined by
19-5-33	22-5-33		

THREE ANNAS

GOVT OF MYSORE

ಮೂರು ಆಣೆ

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE.

ORIGINAL CASE NO . 2 of 1930-31.

Plaintiff:- S.Narasinga Rao.

Vs.

Defendants:- Chief Secretary and others.

P51

Deposition of A.Suryanarayana Setty 1st witness plaintiff. Father's mame Seshiah Setty. Age 59. Caste Vysya. Occupation Merchant and Land-Holder. Residence Mysore.

Duly Sworn. 16-9-31.

I own lands in Arjunahalli village of the Yedatore Taluk. I have also taken mortgages with possession of lands from my debtors in that village. One of such mortgages is that evidenced by Exhibit A dated 5-11-1902. This deed

A 5-11-02

was executed in discharge of prior transactions relating to moneys borrowed by the Executants from me for payment of Kandaya on the mortgaged properties and other purposes. When Exhibit A was executed the lands described therein were in the possession of the executants. To the best of my knowledge

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVT OF MYSORE
ಮೂರು ಆಣೆ

knowledge it was their own.

Out of the consideration under Exhibit A I paid Rs.130-0-8 to one Balechikkabasavanna and obtained the receipt Exhibit A1. I also obtained from the executants themselves another receipt for the full consideration - viz Exhibit A2 on 8-5-1903.

They had previously hypothecated these properties to one Salar Masood as per Exhibit B dated 12-6-1900. I discharged that debt. They had also executed another bond as per Exhibit B1 dated 3-7-1900. I discharged this debt also.

One of the executants viz Appaji had alone executed a promissory note for Rs.15/- as per Exhibit C dated 12-5-1903. This was paid by them. The payment is endorsed on Exhibit C.

I was getting the properties mortgaged to me under Exhibit A through Badam Ranga Setty of Yedatore. He got the Gutta chit Exhibit D executed by Somegowda and Appajigowda, 2 out of the mortgagors under Exhibit A. The debt under

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
GOVT OF MYSORE

I was a witness for the 4th defendant in a suit filed by him against Mariamma and others in the Court of the 2nd Munsiff, Mysore. On that occasion I produced all my accounts there. I have brought those accounts. My accounts corrobo-rate the several payments evidenced by the documents already referred to.

Cross Examination:- Exhibit B was executed by Mariamma alone to Masood Sab, and their lands were hypothecated under it. The suit land is the first item in Exhibit B. Exhibit B1 was executed by the said Mariamma and one Somanna in favour of the said Masood Sab. In this also the suit land described as item No.(1). In both these documents the said item (1) is described as "ಜಪ್ತಿಯಾದ ಭೂಮಿ". The said Mariamma is dead. I did not ascertain whether she got item (1) in Exhibits B and B(1) through her husband or her father and if not, how else. I got Exhibit A

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
GOVT. OF MYSORE

Exhibit A executed not only by Somanna and Mariamma but also by all others claiming with them and related to them. I got altogether 8 items mortgaged under Exhibit A and the least lands is the 1st item.

I did not ask for the title deeds relating to even one of these items. I did not ask for any. Somanna was the Son-in-law of Mariamma. I did not know the father of Mariamma.

I did not know one Poojari Basavegowda nor that any such person was related to the executants of Exhibit A.

I did not inquire in whose name the Khata of the said item No.1 stood.

Re-Examination. The lands are all described in the document. The Khata of item (1) is given as being in the name of Basave gowda. Exhibit B1 and B refers to the said item (1) as having belonged to Mariamma's uncle Basavegowda and

DIVISION, DIST. ... RECORD

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVERNMENT OF MYSORE
ಮೂರು ಆಣೆ

and in B it is further stated that it had gone to the share of her father and that she herself inherited it through the latter. I had not seen Exhibits B and B1 before I took Exhibit A.

Read over, interpreted and admitted by the witness to be correct.

Sd/ K.Shankaranarayana Rao,
District & Sessions Judge,
Mysore Division.
16-9-31.

"True Copy"

By Order

Head Record Keeper.

Copy applied for on the 29-3-33	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
By Mr. N. Ramaswamy Govt Pleader	15-5-33 22-5-33	22-5-33	30-3-33 15-5-33	1-6-33

Copy ready on the	Copy delivered on the	Copied by	Examined by
19-5-33	22-5-33	S.V. Ramaswamy	

THREE ANNAS

ಮೂರು ಆಣೆ

84

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE.

ORIGINAL SUIT NO.2 of 1930 - 1931.

Plaintiff:- S.Narasinga Rao.
Vs.
Defendants:- Chief Secretary and others.

P.W.8

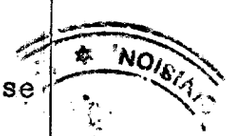
Deposition of Badam Ranga Setty. 2nd witness for plaintiff. Father's name Venkatesha Setty. Age 70. Caste Vysya. Occupation Merchant and Land-Holder. Residence Yedatore.

Duly Sworn. 16-9-31.

I hear Exhibit D read out. I obtained this deed from the said executants Somegowda and Appajigowda for and on behalf of P.W.1. I was present whn Exhibit A was executed by the several executants and I have attested both Exhibit A and the relative receipts Exhibits A1 and A2.

When I took Exhibit D the lands referred to therein were in the possession of those tenants.

I have lent him some assistance in respect of these



Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

GOVT OF MYSORE

ಮೂರು ಆಣೆ

23

I am not aware ~~of~~ if there is a temple at Arjunahalli.

Re-Examination:- All necessary particulars are all given in Exhibit D.

Read over, interpreted and and admitted by the witness to be correct.

Sd/ K. Shankaranarayana Rao,
District & Sessions Judge,
Mysore Division.
16-9-31.

"True Copy"

By Order

Head Record Keeper.

MYSORE DIV.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
3 29-5-33 By Sri K. Ramaswamy Govt Pleader	15/5/33 22/5/33	29-5-33	30-3-33 & 15-5-33	1-6-33

Copy ready on the	Copy delivered on the	Copied by	Examined by
19/5/33	29-5-33	S.K. Ramaswamy	

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

24

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE.

ORGINAL SUIT NO.2 of 1930-31.

Plaintiff:- S.Narasinga Rao.
Vs.
Defendants:- Chief Secretary and others

Deposition of Linganna 3rd witness for plaintiff.

Father's name Basavanna. Age 60. Caste Sivachar.
Occupation Cultivation. Residence Kodayala, Yedatore Taluk.

Duly Sworn. 16-9-31.

I hear Exhibit F. It was executed by me in favour of Khader Sherif on 3-6-1914, in respect of the suit land. It was Malleswaraswami's land. Khader Sheriff had taken the land from Bapu Sab and I took it from the former for cultivation. I cultivated it only for one year. Previously the Poojaris of Malleswara Devaru, I.E, Subbanna and Appaji were cultivating that land.

I do not know if any kandaya is payable for that land.

I know the 4th defendant who is before the Court for the past 20 years. I had not seen his uncle.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVT OF MYSORE
ಮೂರು ಆಣೆ

Poojari Subbanna is my son-in-law. I gave my daughter in marriage to him 30 years ago. I do not know in whose Khata the land stands.

The temple of Malleswara is situated in that land and the villagers say that the said land belongs to that deity

Cross Examination:- I do not remember where Exhibit F was executed nor as to who wrote it. It is a long time since. Even before I executed Exhibit F, I knew that the land belonged to Sri Malleswara Temple.

I know the sons of the previous Poojaris, whose name was either Basavanna alias Poojariah. Subbanna and Appaji were performing the Pooja to my knowledge. Somanna was performing pooja of Deiety Mariego Basavanna.

The said poojaris were not getting any cash allowance for performing pooja but had only to take the yield of the said land.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVERNMENT OF MYSORE
ಮೂರು ಆಣೆ

go to the house of the 4th defendant. I never
never came to Mysore to Execute Exhibit F.

Further Examination in Chief with permission:-

I executed only one lease deed and that was a registered document. I hear Exhibit G read out. This is the document that I executed. G

Cross Examination:- Besides this Registered document Exhibit G I never executed any other document in favour of these people, nor did I cultivate the land in any subsequent year.

I never executed any unstamped or unregistered lease deed like Exhibit F.

Subbegowda son of Mariamma is my son-in-law. I cannot say if he was or was not present when Exhibit G was executed. Besides this land I never took a lease of any other land of that village at any time. My village Kodiyala is 5 miles from Arjunahalli. Though I executed G it is my son-in-law

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

After executing Exhibit F, I got it registered and gave it to Sabjoo Sab. The registration took place at the Yedatore Subr Registery Office. Sabjoo Sab was also present.

I do not remember how much rent I paid to my land-lord. Sabjoo Sab gave me a chit to evidence payment if Gutta by me. I have mislaid it. I asked for the return of the lease - leed but he said that it was with somebody else and gave me a stamped receipt instead.

I am illiterate.

I do not know who cultivated the lands afterwards. No. Since then the Poojaris have themselves been cultivating the land. I hear that they are paying rent to Government.

Exhibit F is the only document executed by me. My son-in-law Subbanna is residing at Arjunahalli.

I do not remember who attested Exhibit F.

I do not know one Mahamad Abbas Sab of Mysore. I never

MYSORE DIVISION RECORDS

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

ಮೂರು ಆಣೆ

29

son-in-law that raised the crop and gave the gutta and not I. I executed Exhibit G only nominally.

Re Examination:- As the Sahebs refused to give the land for cultivation to my son-in-law I executed Exhibit G for the benefit of my son-in-law.

Read over, interpreted and admitted by the witness to be correct.

Sd/ K.Shankaranarayana Rao,

District & Sessions Judge,

Mysore Division.

16-9-31.

"True Copy"

By Order

Head Record Keeper.

MYSORE DIVISION

REC...

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
29/3/31 By Mr. K. Ramasamy Govt Pleader	15/5/33 22/5/33	22-5-33	30.5.33 15.5.33	1-6-33

Copy ready on the	Copy delivered on the	Copied by	Examined by
5/6/33	22-5-33	S.V. Ramaswamy	

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

30

~~29~~

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE.

ORIGINAL SUIT NO.2 of 1930-31.

Plaintiff:- S.Narasinga Rao.
Vs.
Defendants:- Chief Secretary and others.

Deposition of M.Rama Rao 4th witness for plaintiff. Father's name Venkataramanachar. Age 50. Caste Madhva-Brahmin. Occupation Land-Holder. Residence Mysore.

Duly Sworn. 16-9-31.

I own lands in Galigekere of the Yedatore Taluk. That village is one mile from Arjunahalli.

The rate of gutta per acre of wet land in that village is 4 kandies of paddy of 9¼ seers each.

I know a land called Narasingarayara land situated in Arjunahalli village. I have seen it for the past 10 or 12 years. I do not know who is cultivating it.

Cross Examination:- I know the plaintiff Narasinga Rao. It is the plaintiff himself that told me that the said land was his. He used to go to Arjunahalli often.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

ಮೂರು ಆಣೆ

30

I know one Puttachar of Hampapur. I do not know if he is related to the plaintiff. I own no lands at Arjunahalli.

Arjunahalli is not on the way from Hampapur to Galigeker where I own lands.

Re-Examination:- I however used to go to Arjunahalli to take coolies to convert my dry land into wet after the new channel was opened. I have been getting this work done for the past 7 or 8 years.

Read over, interpreted and admitted by the witness to be correct.

Sd/ K.Shankaranarayana Rao,
District & Sessions Judge,
Mysore Division.
16-9-31.

"True Copy"

By Order

Head Record Keeper.

MYSORE DIV

Copy applied for on the 29/3/33	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
By Mr K. Ramaswamy Govt Pleader	15/5/33 22/5/33.	22-5-33	30.3.33 15-5-33	1-6-33

Copy ready on the	Copy delivered on the	Copied by	Examined by
5/33	22.5.33	S.V. Ramaswamy	

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

32

In the court of the District Judge, Mysore Division.

Original Suit no. 2 of 1930-31.

Deposition of H. Krishnamurthy Rao, 5th witness for Plaintiff.

Father's name H. Putta Char. Age 47.

Caste - Madhva Brahmin.

Occupation - Sub Registrar. Duly Sworn. 9/6/1932.

Residence - Hassan.

I have brought with me the deed of hypothecation as also the connected sale deed and receipt, that I was summoned to produce.

The plaintiff Narasimga Rao is my sister's husband. The plaintiff borrowed Rs 1200/- from me for meeting the expenses of his daughter's marriage and for other purposes recited in that deed, which is Exhibit H. The relative receipt for payment of the consideration thereunder is Exhibit H1. The title deed relating to the property hypothecated to me under Exhibit H is Exhibit H2.

All this took place at Bangalore where the deed

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVT OF MYSORE
ಮೂರು ಆಣೆ

deed Exhibit H was registerdd. I was at that time Sub Registrar at Chiknayakanahalli and I was temporarily staying at Bangalore on leave.

Before advancing money under Exhibit H I enquired about the ~~date~~ title and possession of the plaintiff as regards the property hypothecated at the Arjunahalli village. My father Puttachar was alive then. He has attested Exhibit H.

I see Exhibit J which purports to be a petition presented to Government in the Muzarai Department. It bears my father's signature. My father died in 1926. The signature to Exhibit K is also his. This is a petition dated 2-1-1922. Exhibit L is another petition dated 16-3-1922 presented to the Deputy Commissioner, Mysore District. This is entirely in my father's writing and bears his signature. Exhibit M also contains his signature.

Cross-Examination:- Nil.

Read over, interpreted & admitted by the witness tobe correct
Sd/ K. Shankaranarayana Rao.
District Judge. 9/6/32.

(True copy)
B.O.

Hd. ~~Rd. Kpr.~~

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

34

In the court of the District Judge, Mysore.

Original Suit no. ~~x~~ 2 of 1930-31.

Deposition of Venkata Rao. 6th witness for Plaintiff

Father's name Seshagiri Rao. Age 43.

P 36

Caste - Smartha Brahmin.

Occupation - Shanbogue.

Residence - Hampapur, Yedatore Taluk.

Duly Sworn. 9/6/32.

I have been shanbogue for the past 25 years. I have been looking after the ~~x~~ shanbogue duties of Arjunahalli for the past ten or twelve years. The previous shanbogue was one Ranga Rao, who died about ten years ago. He was our Gumasta, having been so appointed by my father who was the Barawardar Shanbogue

I have brought the Inam registrar of Argunahalli village as summoned. This is Exhibit N. This does not refer to the ownership of any Inam ~~xxxxxxx~~lands by Malleshawaradevaru~~xx~~ of that village.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
GOVT OF MYSORE

35

I have not got the quiet rent register. This will be in the Taluk Office. I could not bring any other registers as they are all in the Taluk Office.

I have seen Survey no. 14 of that village. I have heard that it has been sold to the plaintiff by one BapuSab, who is now present before court (Note - He is the fourth defendant).

The khata of that land has been standing in the name of Malleshawaradevaru from even before I began to work as shanbogue of that village. The kandayam of that land is being paid by the Taluk Treasury out of moneys standing in Judicial Deposit.

The Inam register Exhibit N is inspected by the Jamabandi Officer every year. The previous registers are in the Taluk Office. Formerly such registeres used to be prepared annually. But since two years ago orders have been issued to prepare them once in five years.

COURT OF WARD

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

36

Full assessment is being levied on Survey No. 14. It is Rs 67-10-9 including cesses, and Rs 61/- without cesses.

At the auction held recently by Government a rent in kind of 12 kandies of 180 seers of paddy per year has been fixed.

Subayya and Appajayya are at present cultivating that land jointly under the Government.

Usually a rent of three or three and half candies per acre is paid by tenants for wet lands in that village. The suit land may yield owing to its present neglected condition, about sixteen candies per year, though normally it should yield a gutta of twenty kandies. It began to deteriorate since about 10 years after the Government took possession of it from the rightful owners and as the land is not being properly manured since then.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

The tenants Subbayya and Appajayya are the sons of ~~Mariyamma~~ Mariamma. To my knowledge no revenue inquiry has been held by the Amildar in respect of this land since I was appointed Shanbogue.

I was present when Mr. Sundararajaiengar transferred the khata of Survey No. 14 from the name of Poorjari Basave gowda to that of Malleshwaradevaru The khatedar Basave gowda was not then present nor his sons. Mariamma too was not present.

Further examination stopped for want of time.

Read over, interpreted and admitted by the witness to be correct.

Sd/ K. Shankaranarayana Rao.

District and Sessions Judge.

Mysore Division; 9/6/32.

18/7/32. Witness recalled and for further examination and sworn:-

The mutation of names is usually effected

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

38

effected during Jamabandi when all concerned persons are examined by the Jamabandi Officer.

It was not on any body's application that the khata of the suit land was transferred to the Devaru but on Namtabdil list.

Ranga Rao was shanbogue for twenty or twenty-one years. I succeeded him. I can identify his ~~wiring~~ writing. Exhibit O is ~~the~~ in RangaRao's writing. It is a khirdi extract for 1912-13. Exhibit P is a lease deed executed by Khadra Sheriff in favour of the fourth defendant, dated 5-5-1913. It is in RangaRao's writing. Exhibit Q is a notice of demand of assessment addressed to Malleshawaradevaru to the fourth defendant. This is also in RangaRao's writing. Exhibits ~~A~~ Q1 and ~~A~~ ~~W~~ Q2 are two revenue money order receipts signed by Ranga Rao. Q3 is another receipt granted by Ranga Rao and in his writing - during 1916-17, to the fourth defendant.

O

P

Q

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVERNMENT OF MYSORE
ಮೂರು ಆಣೆ

39

Q4 is another demand notice issued by Ranga Rao to the fourth defendant on 10-3-1918.

Ranga Rao died in 1919 or ~~1x8xx8~~ so. Survey number 14 of Arjunahalli village was handed over to ~~kxx~~ one Vittal Murthy Rao for and on behalf of his father-in-law Narasinga Rao on 29-9-1926. as per orders of the Deputy Commissioner. A mahazir was ~~xxxx~~ prepared touching the delivery. I have attested ~~that~~ mahazir, whose copy is Exhibit R.

R

Even in Inam villages the usual contributions are levied when dry lands are converted into wet. The khatedar ~~xx~~ pays the contribution. If a land belongs to a temple, this amount~~ed~~ ~~xx~~ is collected from temple lands.

Inam lands are not sold for arrears of revenue. If cesses payable on Inam lands are in arrear they are collected ~~x~~ by the attachment of moveables in the possession of the defaulting owner.

CITY CIVIL COURT, BANGALORE

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

40

One Basappa has been the patel of Arjunahalli village for about twenty or twenty-five years. He is the [illegible] of Appaji son of Mariamma.

If an Inam land is alienated by the holder t thereof we make a note to that effect in the Inam Registrer and bring it to the notice of Jamabandi officer.

There was one Seetaramayya alias Shamanna living at Yedatore. He died about twenty or thirty years ag

I can identify the signature of the aforesaid Appaji. The signature Exhibit A3 in Exhibit A is his signature, as also the signatures in Exhibits A1 and A2, C, D and A5.

I can identify the signatures of Bale Chikkabasavanna, who is dead. Exhibit E contains his signature, so also those documents A1, A2, and C, B and B1.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

42

any salaryx is being given to the poojaries.

The temple lands were taken possession of by the Government in 1912 or13 . I cannot say in whole khata the lands were then, as I was not in the then Shanbogue. I was however present on the day on which Mr. Sundarajaiengar, Sub Division Officer, transferred the khata of the suit land to Malleshwaradevary during ~~k xxxxxxxx~~ Jamabandi at Hosagrahar camp, some time about 1912 or 1913. I cannot give the correct year. I was then Shanbogue of the neighbouring ~~g~~ Galigekere villa~~e~~ It was in 1918 that I became shanbogue of Arjunahalli also. I have since, i.e. in January last, handed over ~~xhxxx~~ charge of Shanbogue of this village, to my younger brother.

I see Exhibit I. It is in RangaRao's writing. It is the Namtabdil list for 1908-09 of the Arguna- halli village. Exhibit I(1) is also in RangaRao's

NOISTRICT
A. D.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVT OF MYSORE
ಮೂರು ಆಣೆ

43

writing. After seeing Exhibit I, I say that the khata of the suit land was transferred from the name of Poojari Basave gowda to that of Malleswara devaru during the Jamabandi of 1908-09. I

The Patta Exhibit II is in RangaRao's writing. II
The khate has since then continued in the name of Malleshwaradevaru. The receipt Exhibit III III
is also one issued by and in the writing of Ranga Rao.

The land was in the possession of Narasinga Rao for a couple of months after the date of Exhibit R. The Government reserved the land thereafter and sold it by auction. I do not know why all this happened.

Cross-Examination by Fourth Defendant:-

Narasinga Rao is Ranga Rao's brother's son-in-law. He used to visit Ranga Rao's house occasionally. I know the fourth defendant and of the sale by him to Narasinga Rao, of the suit land.

COURT FEE

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

44

13

I see the endorsement Exhibit IV a on the hypothecation bond. I wrote it and it is signed by the plaintiff Narasinga Rao. The plaintiff used to make enquiries of the proceedings that were taking place in regard to this land. This was subsequent to the date of his purchase of this land. I do not know from what source the plaintiff paid Rs 2000/- referred to in Exhibit IV a. The plaintiff has sold some of the lands purchased by him from the fourth defendant. The purchaser is the deceased Basappa, son of Chikkaninganna of Arjunahalli.

Re-Examination:- It is from the information that I received at the time that I say that Government resumed the land in 1912 or 1913.

The land in now being cultivated by the purchaser at the auction held by the Revenue authorities.

I do not know who appointed the members of

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

MYSORE

ಮೂರು ಆಣೆ

45

of Mariamma's family as poojaries of the temple.

No presessions or Utsavas are held in that temp

Read over, interpreted and admitted

by the witness to be correct.

Sd/ K. Shankaranarayana Rao.

Sessions

District and ~~Sessions~~ Judge.

Mysore Division.

18/7/32.

"True copy".

B.O.

Head Record Keeper.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
29/3/33 Mr K. Ramaswamy Govt. Pleader	15/5/33 22/5/33	22-5-33	.	1/6/33

Copy ready on the	Copy delivered on the	Copied by	Examined by
29/3/33	22-5-33	C. Gangadharaiah	

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

46

In the court of the District Judge, Mysore.

Original Suit no. 2 of 1930-31.

Deposition of Patel Basappa 7th witness for Plaintiff

Father's name Patel Basappa. Age 45.

Caste - Sivachar.

Occupation - Patel and Cultivation.

Residence - Arjunahalli, Yedatore Taluk

DulySworn.19/7/32.

I have been Patel of Arjunahalli for about twenty years. Survey no. 14 is situated in our village and has all along been in possession of Subbayya and Appaji who are the poojaries of the Malleshwara temple. I have heard from my early days that this land is temple Inam land. It is assessed only as wet land and not as dry land It was converted into wet about thirty years ago.

Mariamma is the mother of Subbayya and Appaji. I have known the fourth defendant for the past twenty years. He had come to our village with a court

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

47

Ameen and a receipt touching delivery of land was prepared on a pial in the village. The said recipt is Exhibit S. I have attested it. I do not remember if any other documents were prepared along with Exhibit S.

S

Even after these delivery proceedings the poojari continued to cultivate the land and not the ~~fourth~~ fourth defendant.

My daughter is the wife of Appajayya's son. The land was never under the cultivation of one Ninganna, son of Basavanna of Kodegala. This Ningamma is not related to Poojari Subbanna.

I do not remember if the crops on this land had at any time been attached nor whether I have - attested any attachment list.

That land is assessed at nearly Rs 70/-. I knew the late Shanbogue Ranga Rao , who died about 8 or

COURT, C...

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

48

ten years ago.

There are besides Maaleswara temple, Anjaney and Basaveshwara temples in our village. There is no temple dedicated to Krishna devaru. These temples have Inam lands.

The sircar took over these lands about ten or twelve years and auctioned the right of cultivation. Poojari Subayya purchased that right. Subbayya owns northern property besides this land. To my knowledge he owned no other property.

Cross-Examination:- I know the plaintiff. He and Shanbogue Ranga Rao are said to be relatives. The plaintiff is the son-in-law of Ranga Rao's brother. The plaintiff occasionally visits our village. Once in two or three years. He owned a land there. That land now belongs to Harikar Ramanna of Mysore.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

49

Cross-Examination by mr. K.R.:-

I knew Some gowda, brother of Mariamma. She was known as Poojari Mariayamma. Somegowda is not a poojari of Malleshwaradevaru but he is a poojari of Basaveshwara devaru.

Some gowda has properties of his own. These eventually passed to the plaintiff, who sold them to others.

In March there will be no crops standing on wet lands. The suit land is about half a furlong from Arjunahalli village. This land never at any time went to the actual possession of the fourth defendant.

It was lying fallow for a few years, before it was taken over by Government. After the delivery proceedings took place at the instance of the fourth defendant as aforesaid the villagers protested against

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

57

In the court of the District Judge, Mysore.

Original Suit no. 2 of 1930-31.

Deposition of S. Narasinga Rao 8th witness for Plaintiff.

Father's name Subba Rao. Age 48.

Caste - Madhva Brahmin.

Occupation - Clerk, Ambavilasa Palace, Mysore.

Residence - Mysore.

Duly Sworn. 7/9/32.

I own lands in the Arjunahalli village, Yedatore Taluk. The suit land measuring six acres and 36 guntas as also ~~xxxxxxx~~ 4 acres of wet land out of Survey no. 42 belong to me.

I purchased the suit land under Exhibit H2 from the fourth defendant. The latter, who went on offering to deliver possession of the land for about a year, eventually declined to possession pleading that he would do so only after he was paid the balance of the purchase money. The price was Rs 35000/-. Out of which I first paid Rs 200/-

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVERNMENT OF MYSORE
ಮೂರು ಆಣೆ

S-2

before the sale and Rs 2000/- again a few dwys after ~~xxkkingxonnexmfxthexnxonnxxtixxx~~ the purchase. I paid the latter amount after selling one of the properties ~~xxxtx~~ purchased under Exhibit H2.

I hypothecated to the fourth defendant for the balance of Rs 1500/- some of my properties including some of the properties purchased under Exhibit H2. Exhibit IV is the said hypothecation deed. I now say, after looking at ~~xi~~ it, that I executed it for Rs 3400/-.

Towards this bond I paid Rs 2000/- as per endorsement Exhibit IV a and the balance is still due. The fourth defendant has since assigned his rights under Exhibit IV to ~~xx~~ one Sivarama setty who has filed a suit against me in Original Suit no. 66 of ~~1928-28~~ 1929-30 for the recovery of the balance due.

b

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

53

According to Exhibit H2 the fourth defendant gave me the right to the year's produce also. But the lessee declined to give the rent or crop pleading that the Government had taken over the land. So I did not get either the crop or rent.

Before purchasing the lands under Exhibit H2 I ascertained at the Sub registrar's office that the property had not been mortgaged or sold to anybody by the fourth defendant and that the latter was the sole owner thereof.

It is my father-in-law Puttachar that arranged to get me these lands from the fourth defendant.

As I did not get possession and as I found that the Government had taken over these lands, I petitioned the Deputy Commissioner and Muzarai Officer, Mysore District, to give me the possession of the lands. Sometimes I myself and sometimes my father-in-law the said Puttachar and

COURT

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVT OF MYSORE
ಮೂರು ಆಣೆ

5'5'

is a copy of the quit rent register for the village for the year 1897. Exhibit V(2) is the Imam register of Arjunahalli village for the year ~~x~~ 1919-1920.

Exhibit W is a copy of the order passed by the Deputy Commissioner and Muzarai Officer on the applications Exhibits J and J1.

Further Examination reserved as it is past 5.10 P.M.

Read over, interpreted and admitted by the witness to be correct.

Sd/ K. Shankaranarayana Rao.

District & Sessions Judge

Mysore Division.

8 7/9/32.

10/12/32. Recalled and sworn. 10/12/32.

The land is fully assessed. I was given the endorsement ~~E~~Exhibit X when I applied for a copy of the order passed by the Muzarai Commissioner.

Exhibit,Y is the sale certificate given to the fourth defendant — Bapusab. Exhibit Z is

COURT, MYSORE DIVISION

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVERNMENT OF MYSORE
ಮೂರು ಆಣೆ

57

is the delivery receipt given by him.

I know Shanbogue Ranga Rao, father-in-law of my sister. There was a enmity between him and me as I had obtained a decree against him for - possession of a land and mesne profits. Puttachar and Ranga Rao were not on good terms.

The land yields 35 or 40 candies of paddy per year. My son-in-law took possession of the land on my behalf as per the order of the Deputy Commissioner. I had not been given a notice by the Government informing me that the land belonged to Malleswara temple.

Cross-Examination:- For the Fourth defendant:- Puttachar is my father-in-law. Ranga Rao was the Shanbogue of Arjunahalli. I do not remember if he was the shanbogue at the time of the sale in my favour. I did not consult Ranga Rao about purchasing the land as he was not on good terms

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVERNMENT OF MYSORE
ಮೂರು ಆಣೆ

57

with me. I owned another land in that village but my father-in-law was looking after it.

Bapusab sold me four other items of land at the same time. He sold me in all 13½ acres of land. All the items were purchased by me for Rs3500/-. I do not know how much they were worth. I hypothecated the lands purchased by me to Bapusab for Rs 1300/- and paid him the balance of Rs 2200/-.

I paid towards the hypothecation debt Rs ~~2000/-~~ 2000/- when the shara Exhibit IV_a was written.

I issued no notice to Bapusab informing him of the objection raised by the Muzrai department. I was not aware of the objection by the Muzarai department when I gave Rs 2000/- to Bapusab. I was asking him now and then to give me possession He had sent me a notice demanding payment of the hypothecation amount.

CHS COURT

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
GOVERNMENT OF MYSORE

S 8

Exhibits VI and VI_a are letters written by me to the fourth defendant asking for time for payment of money.

Two of the items purchased by me were got sold by the fourth defendant ~~and~~ to others for Rs 2500/- or Rs 2600/- and out of that amount I gave him Rs 2000/-. He had given me a ~~x~~ notice before I gave him Rs 2000/-.

Cross-Examination:- By Defendants 1 to 3:- I have been living in Mysore from my childhood. I own no house in Arjunahalli or Hampapur.

I had seen the suit land only once before I purchased it i.e. about a month before the date of the sale deed Exhibit A2.

My ~~x~~ father-in-law Puttachari negotiated for the sale and got the sale deed written.

When I ~~xx~~ went and saw the land a month before

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

8-9

before the date of Exhibit A2 there was paddy crop on it, but I do not remember if it was ripe for cutting. In those parts paddy crop would be harvested from Pushya to Magha but I do not know when paddy is sown or seedlings are planted.

I do not know who had raised the crop that was on the land when I went and saw it.

The entire suit land is in one place. I do not know who are cultivating the adjoining lands. The sale deed is dated 14-12-1919. I did not was not given the produce of that year.

On the date of Exhibit A2 I was not given all the lease deeds which had been executed in favour of the fourth defendant by ryots. I was not given all the title deeds then. I do not remember if I was given any lease deeds when thesale deed was executed. I did not collect gutta from any ryots though I was conveyed the right to

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

60

to collect the gutta due ~~from~~ prior to the date of Exhibit A2.

I sent a petition to the Deputy Commissioner after 1926 requesting ~~it~~ to be given the value of the produce of the land that was in deposit in the - Treasury after the Deputy Commissioner decided the case in my favour. But I was not given the amount.

During the harvesting season of 1920 I came to know that the land was in the possession of the Government. Then the petition Exhibit J was sent to the Muzrai Secretary. I came to know that the Government took possession of the land after the date of sale in my favour. The fourth defendant did not inform me why it was taken possession by the Government. The fourth defendant did not inform me that an enquiry was held by the Amildar or that the Government had taken possession of the land, at the time of sale in my favour. If I had

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

62

It was about two years ago that Sivarama setty gave me a notice informing me that he had taking an assignment of the debt from the fourth defendant and demanding payment of it. I do not remember if the fourth defendant issued me a notice.

Exhibit VI and VI_a are receipts given by me for receiving some documents.

I ascertained who were the ryots cultivating the land in the harvest season of 1920. As the Inam commissioner gave me an endorsement that the land did not belong to the Government I did not look into the khetwar of 1874.

With permission:- Examination -in-chief:- Exhibit AA_1 to AA_3 are khirdi extracts relating to the suit land.

Exhibit BB is the endorsement given by Puttachary by the Deputy Commissioner regarding the

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

63

the suit land.

Exhibit CC is the endorsement received from the Amildar informing me that sanction of the - Government had not been received for paying ~~khx~~ me the amount in deposit

Exhibit DD is the endorsement given by the S.D.O. to Jaffer Sab. The fourth defendant gave it to me along with the title deeds.

Cross-Examination :- Nil.

Read over, interpreted and admitted by the witness to be correct.

Sd/ C. Narayana swami Naidu.
District and Sessions Judge.
Mysore Division.
10/12/32.

4-1-33:- Recalled and sworn.

With permission:- I gave the petition Exhibit EE

COURT, MYSORE

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

64

to the Deputy Commissioner. He sent the endorsement Exhibit EE_1.

I sold some lands to Basappa. Both myself and the fourth defendant jointly executed the sale deed. I received the notice Exhibit FF from the Depty Commissioner and I produced the documents referred to in it before him.

Cross-Examination:- By the Defendants 1 to 3:-

The Government sent me an order not to take possession of the suit land as per the order of the Deputy Commissioner. I had been in - possession of the land for three months by that time. Then I sent a petition to the Government and the Government directed me to file a suit in a court of law and get my right declared. - Exhibit IX is the endorsement given to my agent Vittal Murthy by the Government. I did not ascertain for what rent the Government had leased

COURT, ...

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

65

leased out the land. I do not know what rent the Government is getting.

Cross-Examination:- by the fourth defendant.:- Nil.

Read over, interpreted and admitted by the witness to be correct.

Sd/ C. Narayanaswami Naidu.

District and Sessions Judge.

Mysore Division.

4/1/33.

"True copy".

B.O.

Hedd Record Keeper.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
28.3.33 Hon'ble Ramaswamy Govt Pleader	15/5/33 11/5/33	22.5.33		1-4-33

Copy ready on the	Copy delivered on the	Copied by	Examined by
19-5-33	22.5.33	C. Rangaswamy	

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

55

66

In the court of the District Judge. Mysore Division.

Original Suit no. 2 of 1930-31.

Plaintiff:- S. Narasinga Rao.

Vs.

Defendants:- The Chief Secretary and others.

Deposition of D. Krishnappa 9th witness for Plaintiff.
Father's name Appajappa. Age 59.
Caste Telugu Banagigar.
Occupation Amin Second Munsiff's Court.. Mysore
Residence - Mysore.

Duly Sworn. 4-1-33.

I know the fourth defendant. I see the delivery receipt Exhibit T. It was not granted to me.

Cross-Examination:- Nil.

Read over, interpreted and admitted by the withess to be correct.

SdØ C. Narayanaswami Naidu.

District Judge and Sessions Judge.

Mysore Division.

4/1/33.

"True copy".
B.O.
Head Record Keeper.

COURT, MYSORE

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
22.5.33	15/5/33 22/5/33	22-5-33		6-4-33
Mr. K. Ramaswamy Govt Pleader				

Copy ready on the	Copy delivered on the	Copied by	Examined by
10/6/33	22-5-33		

THREE ANNAS

GOVT OF MYSORE

ಮೂರು ಆಣೆ

86

67

In the court of the District Judge, Mysore.

Original Suit no. 2 of 1930-31.

Plaintiff:- S. Narasinga Rao.
Vs.
Defendant:- The Chief Secretary and others.

Deposition of Vithala Murthy Rao 10th witness for Plaintiff. Duly Sworn. Dated 4/1/33.
Father's name Putta Char. Age 31.
Caste - Madhva Brahmin.
Occupation - Electrical Contractor.
Residence - Mysore.

I know the suit land. I saw it in the year 1923 for the first time. It was in the possession of the Government then. In 1926 I was given possession of it on behalf of the plaintiff by the Sheikdar. Then I executed the delivery receipt Exhibit R.

The plaintiff gave me a power of attorney and as his agent I gave a petition to the First Member of Council. It was referred to the Muzrai Commissioner.

The land is six acres and 36 guntas in extent. The gutta for it is four candies or

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

68

or 4½ candies of paddy per acre. ~~xx~~ Subbavva was cultivating the land when it was delivered to me. At a distance of fifty yards from it the plaintiff owned 4½ acres of land and he was getting a ~~xxxx~~ gutta of twenty candies of paddy. It was sold away in execution of a decree. There is no ~~xx~~ deity at all in the temple of Malleswara. The Sheikdar did not deliver to me the gutta - received from the tenant as the Government had ordered him not to give it to the plaintiff.

Cross-Examination:- I do not know if the Government was auctioning the produce of the land~~x~~ every year. As the plaintiff's neighbouring land had been leased out for ~~a~~ gutta of four candies per acre. I stated that the gutta for the suit land was four candies per acre. Subbiah is stated to be dead.

There were no pits in the land when I took delivery of it.

COURT,

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

69

38

The temple was in dilapidated condition.

I do not know who the poojari was. No worship was being performed in the temple.

Cross-Examination:- By the Fourth defendant:- NIL.

Read over, interpretee and admitted by the witness to be correct.

Sd/ C. Narayanaswami Naidu.

District and Sessions Judge.
Mysore Division.
4/1/33.

"True copy".

B.O.

Head Record Keeper.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
21.5.33. M.K. Ramswamy Govt Pleader	15/5/33 22/5/33	22-5-33		1-6-33

Copy ready on the	Copy delivered on the	Copied by	Examined by
1/6/33	22-5-33	C. Ganpadarao	

THREE ANNAS
GOVERNMENT OF MYSORE
ಮೂರು ಆಣೆ

70

In the court of the District Judge, Mysore Division.

Original Suit no. 2 of 1930-31.

Plaintiff:- S. Narasinga Rao.
Vs.
Defendant:- The Chief Secretary & others.

Deposition of K.L. Narasimha Iyengar.

1st witness for Defendants 1 to 3.
Duly Sworn. 5/1/33.
Father's name - Kuttasamaiya. Age 36.
Caste - Brahmin.
Occupation - Head Clerk Muzrai Branch.
Deputy Commissioner's Office.
Residence - Mysore.

From 1925-26 I have been a clerk in the Muzrai Department of the Deputy Commissioner's office, in Mysore.

Exhibit J1 and J2 are the petitions sent to the Deputy Commissioner by one Puttachar, father-in-law of the plaintiff. Then an enquiry was held. The plaintiff produced some documentary evidence. The Deputy Commissioner passed the order of which Exhibit N is the certified copy. The

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVERNMENT OF MYSORE
ಮೂರು ಆಣೆ

71

The plaintiff wanted the amount realised from the produce of the land to be given to him. On 6-10-26 the bill given by the plaintiff was sent to the Muzrai Commissioner with the letter Exhibit X. A copy of the original of Exhibit IX was sent with Exhibit X. The Muzrai Commissioner made a reference to the Government about the propriety of the order of the Deputy Commissioner sent the order Exhibit XI directing the stay of executing the order of the Deputy Commissioner. The plaintiff was given notice of it on 26-11-2926. Then the Muzrai Commissioner called for further information regarding the change of inam tenure of the suit land. The Deputy Commissioner sent copies of documents specified in Exhibit XII and XIII. Then the order Exhibit XIV was received from the Government. It was communicated to the plaintiff on 28-1-29.

SESSIONS COURT

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

The Amildar Mr. G. Narayana Rao held a preliminary enquiry in 1915. The Government took possession of the temple subsequently.

Cross-Examination:- A copy of Exhibit XIV was not sent to the plaintiff. I do not know if there is any Sannad relating to the ~~xxxxx~~ temple. Recent endowments are noted in a Register maintained in the office of the Deputy Commissioner. There is a register called classwar Muzrai Institutions Register. I have~~x~~ not brought it. Lists are maintained in some Taluk offices, containing the endowment granted to Muzrai institutions.

No appeal was preferred against the order of the Deputy Commissioner in this~~x~~ case as far as I can see from the records.

I produce the letter Exhibit G~~H~~ written by the Muzrai Commissioner to the Deputy Commissiner. The plaintiff was given the endorsement Exhibit K1

CIVIL COURTS TRIAL

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

73

by the Deputy Commissioner.

The documents referred to in Exhibit XII and XIII had been produced before the Deputy Commissioner when he passed the order in favour of the plaintiff.

I do not know if any arrangements had been made for worship in the temple in question. The Amildar makes arrangements for worship in the temples and sends Administration reports every year.

For the last about two years names of hereditory poojaries are being entered in some registers. We are not maintaining allthe registers prescribed by the rules. We are maintaining some of them.

In the case of kandayam due from the Muzrai insitutions it is recovered from the poojari if he is in possession of lands. In some cases it is recovered from the lessees. All endowed lands are not inam lands. If jodi xxe due from inam

HIGH COURT

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

GOVT OF MYSORE

ಮೂರು ಆಣೆ

lands of a Muzrai institution cannot be recovered the Government has to cancel the tenure.

Exhibit HH is the copy of paisal patrike sent to the Muzrai commissioner's office from the Inam Commissioner's office. Exhibit HH_1 is the - communication sent for it by the Muzrai superintendant.

Re-Examination:- Nil.

Read over, interpreted and admitted by the witness to be correct.

Sd/ C. Narayanaswami Naidu.

District and Sessions Judge.

Mysore Division.
5/1/33.

"True copy".
B.O.

Head Record Keeper.

DISTRICT AND SESSIONS COURT, MYSORE

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
29.5.33	15/5/33 22/5/33	22.5.33		1-6-33

Copy ready on the	Copy delivered on the	Copied by	Examined by
1-6-33	22.5.33		

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

75

In the court of the District Judge, Mysore Division.

Original Suit no. 2 of 1930-31.

Plaintiff:- S. Narasinga Rao.
Vs.
Defendant:- The Chief Secretary and others.

Memorandum of the evidence of witness Appajayya No. 2 for Defendants taken this 11th day of January 1933.

Duly Sworn.

Witness' age appears to be about 60.
My name is Appajayya.
My father's name is Channaveerayya.
I am by caste Sivachar and by occupation agriculture.
I reside at Arjunahalli.
Taluk.- Yedatore.
District - Mysore.

There are the temples of Malleswara and Basavesvara in Arjunahalli. My father and elder brother were the poojaries of Malleswara temple. My brother's son is now its poojari. The poojarishsip belongs to the family of my mother Mariamma. Her father is Gowregowda. Ere gowda and Basave gowda are the younger brothers of Gowre gowda. Gowre gowda had no sons. He had five daughters.

SESSIONS COURT

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
GOVERNMENT OF MYSORE
ಮೂರು ಆಣೆ

Ere gowda has only one daughter. Basave gowda had three sohs ~~xx~~ viz. Some gowda, Marigowda and Putte gowda. Only Putte gowda is alive.

Putte gowda is the poojari of Basaveswara temple. Malleswara temple has an inam land in Arjunally. It is six and odd acres in extent. Basaveswara temple has also an inam land which is about six acres extent and it is ~~xx~~ in the possession of Putte gowda. The inam land of Malleswara temple has been in the possession and enjoyment of my mother. The temple is in the land itself. The deity was installed by Chola kings. Worship is being performed in the temple. No pay is given to the poojari of Malleswara temple. The expenses were to be met from the income of the land. The temple was included as a Muzrai institution and since then the Government has been receiving the gutta. The gutta at present is 14 candies ~~xxx~~

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

of paddy. Formerly it was 12 candies.

My mother and Some gowda had borrowed money from Salar Masood Sab. The fourth defendant used to come with Salar Masood Sab for collecting - interest.

Javare gowda, Channe gowda, Jevayya, Linge gowda and others have been the Dharmadarsies of the temple for the last seven or eight years.

I was living in Adagoor till seven or eight years, ago. Adagoor is three or four miles from Arjunahalli.

The land was bounded on the East by Mirle Hirigegowda's field; on the West by a road; on the South by Nanjamma's field, and on the North by the land of Basave gowda uncle of my mother.

SESSIONS COURT
CENTRAL

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

78

The land was known was "Dēvara Hola" before it was converted into wet land.

As there is difficulty for water and manure is not available the rate of gutta is low in our parts.

Cross-Examination:- I can sign my name. I executed the hypothecated deed Exhibit A1, and A2 and the receipt. We had hypothecated the land in favour of A Sooryanarayana setty. The receipt Exhibit A2 is signed by me.

Read over, interpreted and admitted by the witness to be correct.

Sd/ C. Narayanaswami Naidu.

District and Sessions Judge.
Mysore Division.
11/1/33.

Recalled and sworn:-

Cross-Examination:- We hypothecated the land to Sooryanarayana setty under Exhibit A. I executed

SESSIONS COURT

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

79

the receipt Exhibit C in favour of Suryanarayana setty.

I executed the lease deed Exhibit D in favour of ~~M~~ Badami Ranga setty. Instead of paying him interest we agreed to pay him gutta.

We had borrowed money from Bale Siddabasamma. My mother and Some gowda borrowed the money and I signed the document as desired by them I do not know why they borrowed the money and if it was for paying the kandayam and contribution for the land.

The fourth defendant filed a suit against me for recovery of kandayam paid by him for the suit land and obtained a decree. I do not know ~~wh~~how ~~k~~ he realised the decree amount. I do not remember if the land was in the Khate of Basave gowda. Basave gowda and his brothers were divided.

CENTRAL

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

80

After Gowre gowda died his daughter Mariamma ~~xx~~ i.e. my mother filed a suit against her uncle and obtained a decree for possession of some lands.

Basave gowda and his brothers were each, enjoying his share of properties. Some gowda is Basave gowda's ~~x~~ son and is my brother-in-law.

The suit land was about seven acres in extent. About an acre of land was acquired for opening road. I do not remember ~~x~~ if I received a notice in connection with the acquisition proceedings.

I do not remember if we had hypothecated the suit land to any one before hypothecating it to Salar Masood.

I do not know who gifted the land to the temple and when it was gifted. I do not know if the suit land is fully assessed as it is under Government management now.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

81

The temple has no jewels. No accounts were maintained for the income ~~xxxxxx~~ and expenditure of the temple.

I do not know who appointed my ancestors as the poojaries of the temple. I have no sannad granted by the Government. The suit land has all along been known to belong to the temple. I have no dakhala to prove that the land belongs to the ~~xxxx~~ temple. I do not know if my ~~x~~ mother paid any contribution to the Government ~~xx~~ and if - money was borrowed from Salar Masood Sab for - paying contribution for converting the dry land into wet.

The fourth defendant filed a suit against me on the hypothecation deed executed in favour of Salar Masood. Exhibit A4 and obtained a consent decree. I do not know if he got the land sold in execution of the decree. I had filed a petition

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

82

praying for sale being held at the spot. The lands that were in the khate of my mother were taken delivery of by the fourth defendant. The suit land and two other lands hypothecated under Exhibit A4 were not delivered to the possession of the fourth defendant.

Exhibit JJ is the statement given by me before the Amildar. Subbiah is my elder brother. His wife comes from Hodiyala. Patel Basappa's - daughter was married to my son this year.

I never gave the gutta of the land to the Government. My brother Subbiah was giving the gutta to the Government. I am living separately from him. There are no properties to be divided between us. We are not performing pooja in the temple by turns.

Re:- The decree copy Exhibit 15 (b) is the only dakhala to prove that the suit land belongs

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
MYSORE
ಮೂರು ಆಣೆ

83

to the temple. Exhibit 15 is the copy of the plaint in it and Exhibit 15 (a) is the copy of the Rajinama filed in it. Exhibit 15 (c) is the judgment in it.

With permission:- The Amildar issued me the notices Exhibit 16(a) and 16(b). In obedience to them I appeared before the Amildar and gave the statement Exhibit JJ.

Cross-Examination:- After the fourth defendant filed the suit against me I got the notices - Exhibit 16 (a) and 16(b). I did not get a petition sent to the Amildar by the villagers. I do not know if my brother got any petition sent by the villagers.

Read over, interpreted and admitted by the witness to be correct.

Sd/ C. Narayanaswami Naidu.

District and Sessions Judge.
Mysore Division.
12/1/33.

"True copy".
B.O
Head Record Keeper.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	~~Additional~~ copying sheets supplied on the
29.3.33. Mr. K. Ramaswamy Govt: Pleader	15/5/33	22-5-33		1.6.33

Copy ready on the	Copy delivered on the	Copied by	Examined by
	22.5.33		

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

86

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE.

ORIGINAL SUIT NO.2 of 1930-31.

Plaintiff:- S.Narasinga Rao.
Vs.
Defendants:- Chief Secretary & others.

Deposition of Mallappa 3rd witness for defendants 1 to 3.

Father's name Subbaiya.

Age 30.

Caste Sivachar.

Occupation Worshipper and cultivator.

Residence Arjunahalli.

Duly Sworn. 13-2-33.

My father was the Poojari of Malleswara of Arjunahalli. He died one year ago. My grand-father Channaveeriah was the Poojari of the temple before my father. Mariamma is my father's mother. Appajappa and Malliah are my father's brothers. Appajappa was formerly living in Adigur.

From the time of my father's death I have been the Poojari. The lands that belonged to the temple were taken under the management of the Government about 10 or 12 years

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

years ago, and we ~~xxxx~~ were promised to be given pay. We were given pay only for 9 months. My fahter and then myself have been cultivating the lands belonging to the temple. For the last ten years we have been paying gutta to the Government. Four years ago we were giving a gutta of 12 candies of paddy. For the last 4 years we have been giving a gutta of 14 candies. The Nala is far away and therefore the gutta is only 14 candies.

I do not know the 4th defendant. He had not been in possession of the land at any time.

The temple is in the land itself. The Deity of Malleswara is in the temple. There are Dharma Darsies to look after the management.

I am contracting debts and meeting the expenses of the Pooja.

Cross Examination:- I have borrowed Rs.300/- or Rs.400/-.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

I have no properties at all. I am depending upon the suit land. I do not know how the temple got the land. There is no dakala to prove that the land belongs to the temple. Mariamma died when I was aged 7 or 8 years.

Annajayya returned to My village 4 or 5 years ago.

My mother is Channamma, daughter of Mallegowda of Kodiyala.

I own a pair of bullocks. I never gave to the Government 16 candies of paddy as gutta. I cannot say in which year the Government took over the management of the temple and its properties.

The 4th defendant never came near the land. My father did not take lease of the land from Sabju Sab.

My uncle Malliah is dead.

I do not know if there are dakhalas to prove my right for poojariship.

Dharmadarsies were appointed four years ago.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

ಮೂರು ಆಣೆ

The land is assessed with full Kandayam.

My father was illiterate and was only putting his thumb impressions to the documents excuted by him.

Re-examination:- Hetigur is 1½ miles from my village.

Read over, interpreted and admitted by the witness to be correct.

Sd/ C.Narayanaswamy Naidu.
District and Sessions Judge,
Mysore Division
13-2-33.

"True Copy"

By order,

Head Record Keeper.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
29-3-33	15/5/33	22-5-33	30.3.33	1-4-33
By Mr K. Ramaswamy Govt Pleader	22/5/33		15-5-33.	

Copy ready on the	Copy delivered on the	Copied by	Examined by
15/5/33	27-5-33	S.V. Ramaswamy	

THREE ANNAS

ಮೂರು ಆಣೆ

MYSORE

88

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE.

ORIGINAL SUIT NO.2 of 1930-31.

Plaintiff:- S.Narasinga Rao.

Vs.

Defendants:- Chief Secretary to Government.

Deposition of Javare Gowda 4th witness for defendants 1 to 3.

Father's name Devaraje Gowda.

Age 50.

Caste Gangadikar Vokkaligar.

Occupation Cultivater.

Residence Arjunahalli.

Duly Sworn. 22-3-33.

I know the Malleswara temple of my village. The lands surrounding the temple belongs to the temple. There is Deity in temple.

Subbayya, Appajayya and Mallayya sons of Mariyamma were doing Pooja in the temple. Subbayya's son Mallayya is doing the pooja now. Mariyamma is the daughter of Gowre Gowda.

Myself, Patel Basappa and another Basappa have been the Dharmadarsies of the temple for the last 7 years. The

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

The Sheikdar and the Shanbhogue appointed us. Pooja is being performed regularly in the temple.

Poojari Mallayya has been cultivating the land in which ~~is~~ the temple. He has to give a gutta of 14 candies of paddy to Government. He has not been given any pay for the last four years. Pooja expenses ~~were~~ came to about Rs.20/- per year. The Poojari has been meeting the expenses.

Cross Examination:- There are five temples in my village. There are Dharmadarsies for all the temples.

In 1929 I was appointed as a Dharmadarsi. Before 1929 there were no Dharmadarsies. No account of the temple are maintained. We have not sent any report to the Government regarding management.

There are only three Dharma Darsies for the Temple. Herige Gowda and Annajigowda may also be the Dharma Darsies. They are old persons.

The pay of the

HIGH COURT DECISIONS OF

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

the Poojari was given only for nine months. We have sent petitions to the Government in that connection.

Gowregowda had two brothers viz, Ere Gowda and Basave Gowda. They were divided. Basave gowda was the Poojari of Basaveswara Temple. That temple has 6 acres of land. Basavegowda's sons are in possession of that land which is also inamthi.

Gowregowda was the Poojari of the temple in question, Then Mariyamma's husband became the Poojari. Mariyamma was never the poojari.

Mariyamma got for her share the land in dispute. The poojaries of the temple have been in possession of the temple land all along and so I say that the land belongs to the temple.

There is the "Linga" of Iswara in the temple besides other Idols.

DISTRICT AND SESSIONS CENTRE

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

ಮೂರು ಆಣೆ

GOVT OF MYSORE

land
About ten years ago the suit/was not cultivated for two years. This was after the death of Mariyamma.

The 4th defendant had come to my village once. Subbanna is my younger brother. He was not in possession of any lands belonging to the 4th defendant and the latter has not obtained a decree against my brother in connection with any land.

For the last four years I got the petitions sent by Mallayya to Government. Even previously I might have got petitions sent by him. He never had any other lands. Mallayya is not come here to-day.

The kandayam for the land is about Rs.60/-.

Re-Examination:- Women do not perform Pooja in the temple.

Read over, interpreted and admitted by the witness to be correct.

Sd/ C.Narayanaswamy Naidu.

"True Copy"
By Order

Head Record Keeper.

District and Sessions Judge,
Mysore Division.
22-3-33.

Copy applied for on the 29-3-33	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
By Sri K. Ramaswamy Govt Pleader	15-5-33 22-5-33	22-5-33	30.3.33 to 15.5.33	1-4-33

Copy ready on the	Copy delivered on the	Copied by	Examined by
19-5-33	22-5-33	S.V. Ramaswamy	

THREE ANNAS

ಮೂರು ಆಣೆ

92

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE.

ORIGINAL SUIT NO. 2 of 1930-31.

Plaintiff:- S.Narasinga Rao.
Vs.
Defendants:- Chief Secretary to the Government and others.

Deposition of Jivi Gowda 5th witness for defendants 1 to 3. Duly Sworn. 22-3-33.

Father's name Manchanna.

Age 50.

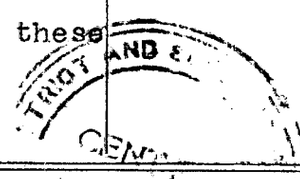
Caste Gowdas.

Occupation Cultivator.

Residence Arjunahalli.

Mariyamma's son Subbayya was the Poojari of the temple of Malleswara. Mallayya is the poojari at present. The temple has its lands round the temple. The poojari cultivates the land and gives a gutta of 14 candies of paddy to the Government.

I have known the land for the past forty years. The poojaries were enjoying the produce of the land all these years till the Government took over the management.



Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by
			92

THREE ANNAS
GOVT OF MYSORE
ಮೂರು ಆಣೆ

Cross Examination:- The land may be leased out for more than 14 candies of paddy. In our parts gutta is from 2½ to 4 candies of paddy per acre. The suit land is not a superior one and it cannot fetch more than 2½ candies. No one except the Poojaries ever cultivated the land to my knowledge. Even out-siders would not give more gutta for the land.

My land is 3 or 4 furlongs from the suit land.

I pay a kandayam of Rs.200/- for my khata.

The 4th defendant did not purchase the suit land in any Court sale. He purchased Mariyamma's own lands about 20 years ago and took possession of them. He sold them for Rs.2600/-. He could not sell the suit land as we villagers objected to it.

I might have signed the petition sent to the Government in that connection. The Amildar made an enquiry then. I

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS
ಮೂರು ಆಣೆ
MYSORE

I do not remember if I was examined by him. I do not remember if he held the enquiry in Vedatore.

The Government had gifted the land to the temple. I do not know when it was.

The land is assessed with half kandayam.

For the last 20 years no one has been paying the kandayam to the Government.

Re-Examination:- Nil.

Read over, interpreted and admitted by the witness to be correct.

Sd/ C.Narayanaswamy Naidu,
District & Sessions Judge,
Mysore Division.
22-3-33.

"True Copy"

By Order

Head Record Keeper.

Copy applied for on the 29/3/33	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
By Mr. K. Ramaswamy Govt. Pleader	15-5-33 22-5-33	22-5-33	30.3.33 15.5.33	1-4-33

Copy ready on the	Copy delivered on the	Copied by	Examined by
19/5/33	22-5-33	S.V. Ramaswamy	

THREE ANNAS

ಮೂರು ಆಣೆ

95

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE.

ORIGINAL SUIT NO. 2 of 1930-31.

Plaintiff:- S. Narasinga Rao.
Vs.
Defendants:- Chief Secretary to Government and others.

Deposition of Chennegowda 6th witness for defendants 1 to 3.

Father's name. Siddegowda.

Age 40.

Caste Gangadikar.

Occupation Cultivator.

Residence Arjunahalli.

Duly Sworn.
22-3-33.

I know the temple of Malleswara. Mallayya is the Poojari of the temple. Before him his father was doing the pooja. My knowledge of it extends over thirty years. The Government have leased out the suit land to Mallayya for gutta. There is "Linga" in the temple.

Cross Examination:- I do not know how many years ago the land was leased to Mallayya. Last year and this year the Government auctioned the gutta produce. I cannot say

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the

Copy ready on the	Copy delivered on the	Copied by	Examined by

THREE ANNAS

GOVERNMENT OF MYSORE

ಮೂರು ಆಣೆ

say how many other times the Government auctioned the produce.

On the last Saraswathi feast day I got pooja performed in the temple. I cannot say how many times I got pooja performed in the temple in all. Mallayya did the pooja for me. No "Kanike" was given to him for doing pooja.

Re-Examination:- Nil.

Read over, interpreted and admitted by the witness to be correct.

Sd/ C.Narayanaswamy Naidu,

District & Sessions Judge,

Mysore ~~District~~ Division.

22-3-33.

"True Copy"

By Order

Head Record Keeper.

DISTRICT AND SESSIONS COURT CENTRAL

Copy applied for on the 29 3/33	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
By Mr K. Ramaswamy Govt Pleader	15-5-33 22-5-33	22-5-33	30.3.33 15-3-33	1-4-33

Copy ready on the	Copy delivered on the	Copied by	Examined by
19/5/33	22-5-33	S.V. Ramaswamy	